



## PLANNING COMMISSION STAFF REPORT

<b>File No.</b>	<b>PDC14-009, PD14-039 &amp; ABC14-008</b>
<b>Applicant:</b>	<b>Robert Beard, LHB Associates</b>
<b>Location</b>	<b>Southwest corner of Saratoga Avenue and Williams Road (1005 Saratoga Avenue)</b>
<b>Existing Zoning</b>	<b>CP Commercial Pedestrian</b>
<b>Council District</b>	<b>1</b>
<b>Historic Resource</b>	<b>No</b>
<b>Annexation Date:</b>	<b>May 5, 1955</b>
<b>CEQA:</b>	<b>Negative Declaration</b>

### APPLICATION SUMMARY:

- **File No. PDC14-009.** Planned Development Rezoning request to rezone from the CP-Commercial Pedestrian Zoning District to the CP(PD) Planned Development Zoning District to allow a new gas station and a 3,200 square foot convenience store; and
- **File No. PD14-039.** Planned Development Permit to allow the 1) demolition of an existing gas station and two commercial buildings; 2) construction of a new gas station and a 3,200 square foot convenience store; and 3) allow the off-sale of beer and wine; and
- **File No. ABC14-008.** Alcohol Beverage Control (ABC) Determination of a Public Convenience or Necessity; all on a 0.64 gross acre site.

### RECOMMENDATION:

Staff recommends that the Planning Commission recommend to the City Council adoption of the Negative Declaration and **approval** of the Planned Development Rezoning to the CP(PD) Planned Development Zoning District and Planned Development Permit with the following condition:

1. Applicant shall apply for and obtain a Permit Adjustment for the addition of an entryway and transparent store front windows on the elevation of the building that fronts Saratoga Avenue, to the satisfaction of the Director of Planning, Building and Code Enforcement prior to an issuance of a building permit.

If this condition is not included, Staff recommends **denial** of the project.

Staff also recommends that the Planning Commission recommend **approval** to the City Council of issuance of a Determination of Public Convenience or Necessity for the off-sale of alcohol for the proposed project, only with the recommended approval of the Planned Development Rezoning and Planned Development Permit.

**PROJECT DATA**

GENERAL PLAN CONSISTENCY			
General Plan Designation		Neighborhood/Community Commercial <input checked="" type="checkbox"/> Consistent <input type="checkbox"/> Inconsistent	
Consistent Policies		LU-5.1, LU-5.4, LU-5.6, VN-1.7, CD-3.1, IE-1.11, FS-3.1	
Inconsistent Policies		None	
SURROUNDING USES			
	General Plan Land Use	Zoning	Existing Use
North	Neighborhood/Community Commercial	CP Commercial Pedestrian	Offices
South	Neighborhood/Community Commercial	CP Commercial Pedestrian	Produce Market
East	Neighborhood/Community Commercial	CP Commercial Pedestrian	Auto Services
West	Neighborhood/Community Commercial	CP Commercial Pedestrian	Offices

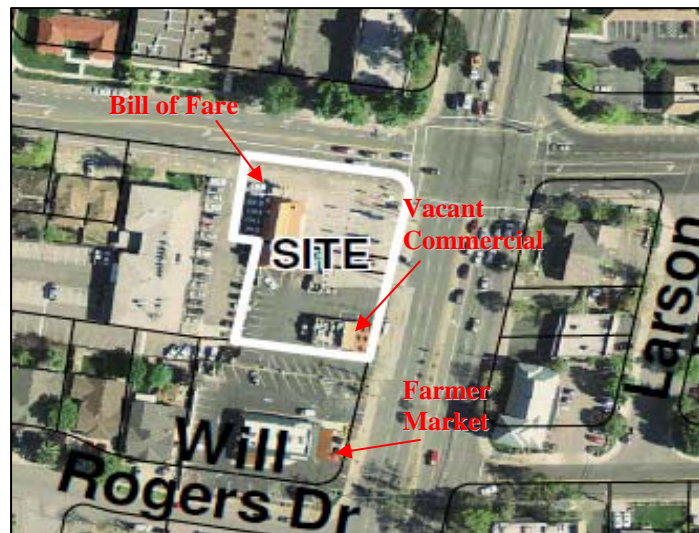
<b>RELATED APPROVALS</b>	
<b>Date</b>	<b>Action</b>
<b>11/20/2008</b>	<b>File No. AD08-1298</b> Permit Adjustment for the installation of Vapor System Technologies (VST) membrane processor unit and other associated vapor recovery improvements.

**PROJECT DESCRIPTION**

On March 6, 2014 the applicant filed an application for a Planned Development Rezoning and subsequently on July 30, 2014, an application for a Planned Development Permit for the

demolition and construction of a new gas station and convenience store with the off-sale of beer and wine. The rezoning encompasses a 0.64 gross acre site that includes an existing gas station, vacant building, and the Bill of Fare restaurant. The rezoning of the site to the CP(PD) Planned Development Zoning District, which will allow uses of CP Commercial Pedestrian Zoning District, would facilitate new development with a

design focus on pedestrian connectivity to the site. A convenience store and gas station would be permitted with issuance of a Planned Development Permit.



## Gas Station and Convenience Store

A detailed site plan showing two adjacent commercial developments. On the left is a "PROPOSED C-STORE 3,200 S.F." with various outdoor seating areas, concrete walkways, and landscaping. To its right is a larger area labeled "PROPOSED 6 MPD FUEL CENTER &amp; CANOPY". This area includes multiple fuel islands, canopy structures, and parking spaces. The plan also shows existing buildings to be removed, new utility lines, and surrounding streets including Williams Road and Saratoga Avenue. Zoning designations like APN 381-12-113 and APN 381-12-096 are noted.

*Figure 1: Site Plan of the Proposed Project*

The existing four underground storage tanks (UST) containing gasoline and diesel fuel products would be removed and disposed of in accordance with State and County Standards, And three new USTs would be installed. The three USTs are double walled per current regulations and will be installed per manufacturer recommendations. The three (3) USTs include two 12,000-gallon tanks and one 20,000-gallon tank, and will contain gasoline and diesel fuel products. As required per current regulations, the USTs and underground product, vent, and vapor piping will be double walled with continuous monitoring of the interstitial spaces. A monitoring panel will be installed in the convenience store in a readily accessible location that can be viewed by the employees. The Santa Clara County Department of Environmental Health is the permitting authority with regulatory oversight responsibility with respect to the USTs.

### Off-Sale of Beer and Wine

The requested off-sale of beer and wine will utilize approximately 289 square feet or 9 percent of the total square footage of the convenience store floor area. The area for alcohol sales (beer and wine only) will be located in a walk-in cooler away from the main entrance (see Figure 2). The proposed project is not requesting late-night or 24-hour use and can operate from 6a.m. to 12 a.m. (midnight) as allowed by right in Title 20, Zoning Ordinance. The proposed project will provide closed-circuit security cameras to monitor inside and around the convenience store and around the fuel pumps.

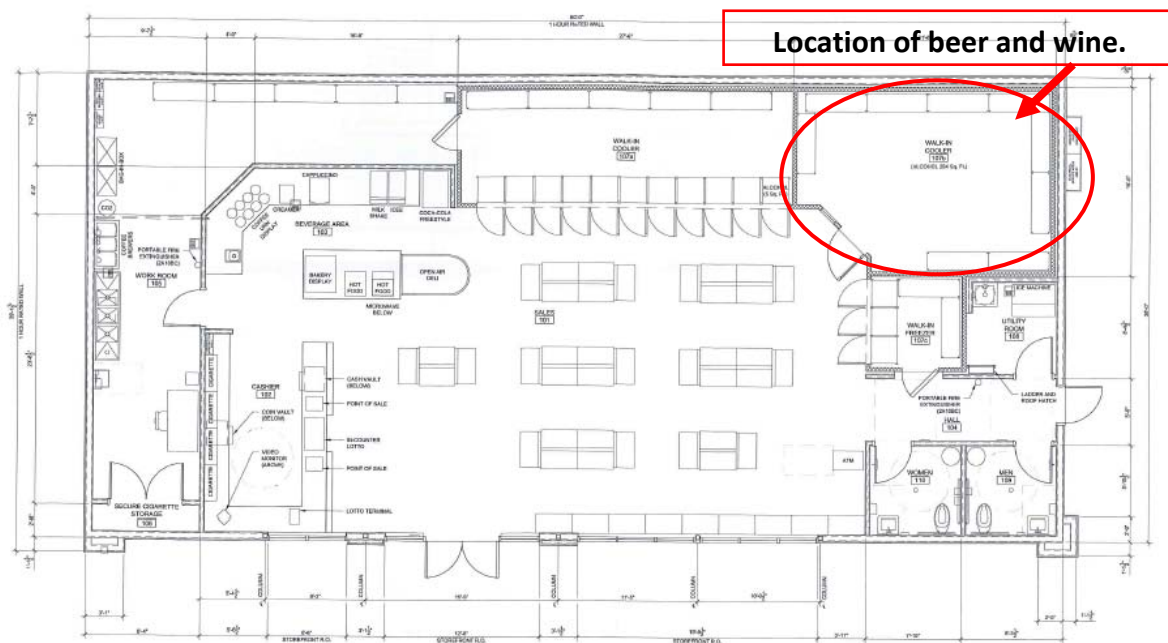


Figure 2: Floor Plan of the Proposed Project

### Site Location:

The subject site is located on the southwest corner of Saratoga Avenue and Williams Road, adjacent to an existing produce market and across the street from several office buildings. At the rear of the property and separated by a fence and masonry wall are single-family residences.

The proposed project is within the Saratoga Avenue Urban Village Boundary and fronts Saratoga Avenue, which has been designated as a Grand Boulevard by the Envision San José 2040 General Plan.



## ANALYSIS

The proposed project was analyzed for conformance with the following: 1) the Envision San José 2040 General Plan, 2) the Urban Village Boundary Designation, 3) General Development Plan Conformance, 4) Commercial Design Guidelines, 5) Municipal Code Findings, and 6) Requirements for a Determination of Public Necessity (PCN).

### Envision San José 2040 General Plan Conformance

The subject site is within the Saratoga Avenue Urban Village boundary and has a Neighborhood/Community Commercial land use designation on the General Plan Land Use/Transportation Diagram. Prior to the preparation of an Urban Village Plan, this designation supports uses consistent with those of the Neighborhood/Community Commercial designation. This designation allows a broad range of commercial uses including retail, personal services, office, hospitals, and community gathering facilities. The proposed rezoning and development permit for a gas station, convenience store, and off-sale of beer and wine are consistent with this land use designation as it provides services that would serve the needs of the nearby community.

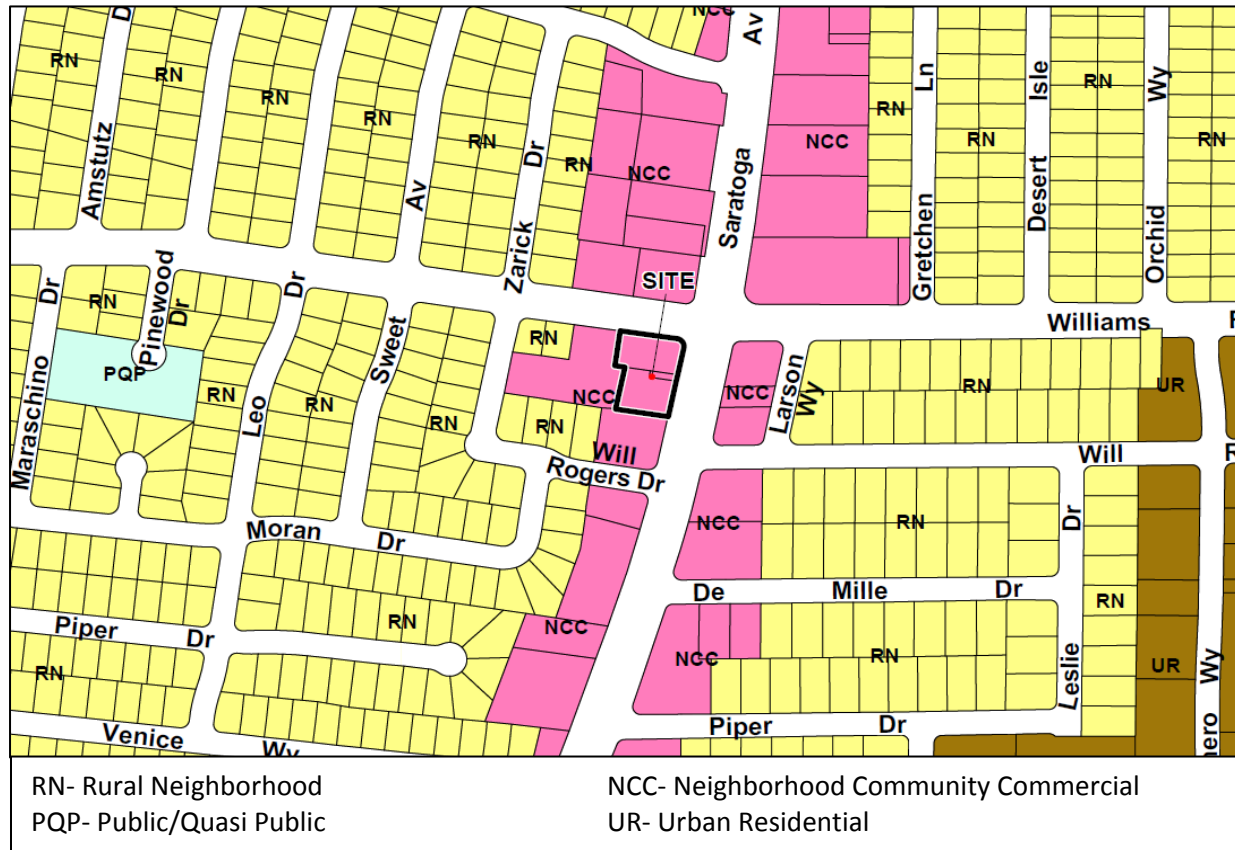


Figure 3: General Plan Land Use Transportation Diagram

In addition to conforming to the General Plan Land Use/Transportation Diagram, the project is also in conformance with the following General Plan policies as noted below:

1. Land Use Policy LU-5.1: In order to create complete communities, promote new commercial uses and revitalize existing commercial areas in locations that provide safe and convenient multi-modal access to a full range of goods and services.

*Analysis: The proposed project will remove three existing older and under-utilized buildings. The new proposed building orients to a Grand Boulevard (Saratoga Avenue) and is designed to emphasize connectivity with adjacent neighborhoods and uses, while acting as a catalyst for urban design form and function. The General Plan identifies Grand Boulevards to serve as major transportation corridors with a major emphasis on public transit. The proposed project is adjacent to a public transit stop and will provide additional landscaping and walkways near the transit stop to encourage multi-modal access to the site and adjacent parcels.*

2. Land Use Policy LU-5.4: Require new commercial development to facilitate pedestrian and bicycle access through techniques such as minimizing building separation from public sidewalks; providing safe, accessible, convenient, and pleasant pedestrian connections.

*Analysis: The proposed building will be located within 10 feet of the frontage along Saratoga Avenue and will maintain at least a 12-foot sidewalk for pedestrian access. Any future development will have to maintain a maximum 10-foot setback to ensure consistency with the scale and orientation of the buildings to encourage pedestrian street travel. With Staff's recommended condition of requiring windows and the entryway to be along the Saratoga Avenue street frontage, this project would be consistent with this policy, by enhancing pedestrian access and creating an active design on the street frontage.*

3. Land Use Policy LU-5.6: Encourage and facilitate the upgrading, beautifying, and revitalization of existing strip commercial areas and shopping centers. Minimize the visual impact of large parking lots by locating them away from public streets.

*Analysis: The proposed project will upgrade and expand the existing gas station, thereby improving the subject site as a viable business location. Site improvements include: lighting, landscaping and reduction in the number of existing driveways to make the subject site safer and more aesthetically appealing, as well as to provide a pedestrian scale development pattern for the site and adjacent parcels.*

4. Vibrant Neighborhood Policy VN-1.7: Use new development within neighborhoods to enhance the public realm, provide for direct and convenient pedestrian access, and visually connect to the surrounding neighborhood. As opportunities arise, improve existing development to meet these objectives as well.

*Analysis: The proposed project will enhance the public realm and provide additional street connectivity opportunities with staff's recommended condition requiring windows and the entryway to be on the street frontage along Saratoga Avenue. The project establishes a future development pattern to create a cohesive urban design along the Saratoga Avenue and Williams Road transit corridors.*

5. City Design CD-3.1: Promote development patterns that cause areas to function and provide connectivity as a whole rather than as individual developments.

*Analysis: With Staff's recommended condition, the proposed project and development standards will set the development pattern for future buildings to be placed up to the street and create a pedestrian scale and consistent streetscape.*

6. Land Use and Employment IE-1.11: Allow interim development of employment lands with alternative employment uses such as small expansions of existing uses when the interim development would not limit the site's ability to be redeveloped in the future in accordance with the long-term plan for the site.

*Analysis: The proposed location of the building at the side of the lot and adjacent to the street will provide the opportunity for future development to build onto the existing building. The proposal does not preclude the redevelopment of the site in the future.*

7. Fiscally Sustainable Land Use Framework FS-3.1: Recognize the value of long-term planning and strong land use policy in managing the City's fiscal position.

*Analysis: The proposed rezoning and development will facilitate this policy by creating a new commercial center while maintaining flexibility for current and future development.*

### **Consistency with Urban Village Boundary Designation**

The subject site and surrounding parcels are designated as being within a Horizon 3 Urban Village Boundary (Saratoga Avenue), which is anticipated to be an active Urban Village Plan and Policy area by the 2030-2040 timeframe. The proposed development standards and design elements are consistent with basic pedestrian design principles for an Urban Village. The proposed project will not limit the potential future assembly and development of the subject site and surrounding parcels. The proposed building only occupies approximately 11.5 percent of the total project area and is located on the most southwestern portion of the site. This site layout allows for future development to build upon the building and/or other portions of the subject site. Furthermore, the building's orientation establishes a starting point for future development to be patterned after to create pedestrian orientated development environment along Saratoga Avenue.

### **General Development Plan Conformance**

The proposed development standards for this Planned Development Zoning will allow for uses that are Permitted, Conditional, and Special uses in the CP Commercial Pedestrian Zoning District, Title 20 of the San José Municipal Code, as amended. Parking and height standards will also be in accordance with Title 20, as amended. The proposed setbacks for the General Development Standards are:

Building to side, corner property line	0 feet and 10 feet maximum from a Street Frontage
Building to side, interior property line	0 feet
Building to rear property line	0 feet
Building to the front property line	0 feet and 10 feet maximum from a Street Frontage

The project is required to provide parking at 1 per employee, 1 per air and water pump service area, and 1 space for information stop for the gas station. The project is also required to provide 1 space per 200 square feet of floor area for the convenience store. The proposed project is required to provide twelve spaces and the project is providing nine standard parking spaces and utilizing fuel dispenses for an additional twelve spaces, therefore meeting the parking requirement. The General Development Plan limits the maximum building height to 50 feet. The proposed project is 20.5 feet and therefore meets this requirement.

## Commercial Design Guidelines

The proposed standards are consistent with the City's Commercial Design Guidelines for Service Stations. The site is organized in a manner that allows sufficient circulation and clustering of the gas station and convenience store uses in one building. In addition, the building's design is consistent with appropriate material and design for both the canopy and convenience store. The Staff's recommendation for windows and the main entrance door facing the pedestrian walkways along Saratoga Avenue, and the applicant's proposal to provide sufficient landscaping (e.g., integrally designed trellis features), provide a higher quality of design in comparison to the existing services stations in the city.

## Municipal Code Findings

In order to approve this application, the City Council must articulate the relevant facts and analysis supporting all of the required findings set forth in the Zoning Code for:

1. A Planned Development Permit;
2. The off-sale of alcohol request; and
3. A Determination of Public Convenience or Necessity.

### ***A. Required Findings for A Planned Development Permit***

The City Council may approve a Planned Development Permit only if it has first adopted the Planned Development Zoning and then makes all of the following findings:

1. The Planned Development Permit, as issued, furthers the policies of the General Plan;
2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property;
3. The interrelationship between the orientation, location, mass and scale of building volumes and elevations of the proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious.
4. The environmental impacts of the project, including, but not limited to noise, vibration, dust, drainage, erosion, storm water runoff, and odor which, even if insignificant for purposes of the California Environmental Quality Act (CEQA), will not have an unacceptable negative effect on adjacent property or properties.

*Analysis: The Planned Development Permit reviewed concurrently with the Planned Development Rezoning is consistent with the General Plan for the reasons stated above. The Planned Development Permit request is consistent with the Planned Development Zoning in that it is consistent with the uses, parking, setback, and height as proposed in the Development Standards. The proposed building is appropriate in terms of orientation, location, mass, scale for the site and is compatible and aesthetically harmonious in that it is in an existing gas station location and built to the scale of the existing surrounding developments. The project's potential impacts were analyzed in a Negative Declaration circulated for public review. Based on the analysis in the ND, it has been determined that the project will not have any significant environmental impacts and will not have an unacceptable negative effect on adjacent properties.*

**B. Required Findings for Off-sale of Alcohol**

A Planned Development Permit may be issued pursuant to the applicable provisions of the Zoning Ordinance for the off-sale of any alcoholic beverages only if the decision-making body first makes the following findings, as applicable, to the off-sale of alcoholic beverages. These additional off-sale of alcohol findings are only required if the proposed use is within 500 feet of another off-sale establishment (findings 1 and 2 below) or within 500 feet of specified sensitive uses or 150 feet of a residentially zoned property (finding 3). If the first finding below is applicable but cannot be made, then the second finding must be made.

1. For such use at a location closer than 500 feet from any other use involving the off-sale of alcoholic beverages, situated either within or outside the City, that the proposed location of the off-sale of alcoholic beverages use would not result in a total of more than four (4) establishments that provide alcoholic beverages for off-site consumption within a 1,000 foot radius from the proposed location.

***Analysis:** There is not an existing establishment with the off-sale of alcohol within 500 feet of the proposed use that is licensed by the State Alcohol Beverage Control (ABC) Department to provide alcoholic beverages for off-site consumption. Therefore, this finding is not applicable.*

*For the Commission's information, there are **two** other existing businesses located within 1,000 feet of the proposed used, licensed by the State ABC Department to provide alcoholic beverages for off-site consumption (Slavic Shop and Las Palmas Mercado). Therefore, even if this finding were applicable, the proposed use would not result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a 500 foot and 1,000 foot radius from the proposed location.*

2. For such use at a location closer than 500 feet from any other use involving the off-sale of alcoholic beverages, situated either within or outside the City, where the proposed location of the off-sale of alcoholic beverages use would result in a total of more than four establishments that provide alcoholic beverages for off-site consumption within a 1,000 foot radius from the proposed location, that the resulting excess concentration of such uses will not:
  - a. Adversely affect the peace, health, safety, morals, or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the area; or
  - c. Be detrimental to public health, safety or general welfare.

***Analysis:** As stated above, the proposed project is not located within 500 feet of another off-sale of alcohol use, and therefore this finding is not applicable.*

3. For such a use at a location closer than 500 feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university, or closer than 150 feet from any residentially zoned property, that the building in which the proposed use is to be located is situated and oriented in such a manner that would not adversely affect such residential, child care center, public park, social service agency, residential care facility, residential service facility and/or school use.



**Analysis:** The proposed use is not located closer than 500 feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university. The building occupied by the subject use is located within 30 feet from the rear corner of a residentially zoned property line. Although the proposed use is located within 150 feet of the residentially zoned property, the actual path of travel from the nearest residence to the entrance of the subject establishment is beyond 150 feet. The entrance to the proposed convenience store is not situated and oriented in a manner that allows direct access from adjacent residential uses. The shortest path of travel from the nearest residential use is a circuitous path of travel of approximately 400 feet. Intermittent sidewalks and a peripheral masonry wall at the property line also separate the residential uses. Given the orientation and location of the proposed use, the proposal would not adversely affect the residential uses. Therefore, this finding can be made.



Figure 4: Aerial of Path of Travel to Residential Zoned Parcels

### C. Requirements for a Determination of Public Convenience or Necessity (PCN)

Under California Business and Professions Code Sections 23958 and 23958.4, the Department of Alcohol Beverage Control (ABC) must deny an application for a liquor license “if issuance of that license would tend to create a law enforcement problem, or if the issuance would result in or add to an undue concentration of liquor licenses in the area,” unless the City determines that the public convenience or necessity would be served by the issuance of the license (Determination of Public Convenience or Necessity). An “undue concentration” is defined as follows:

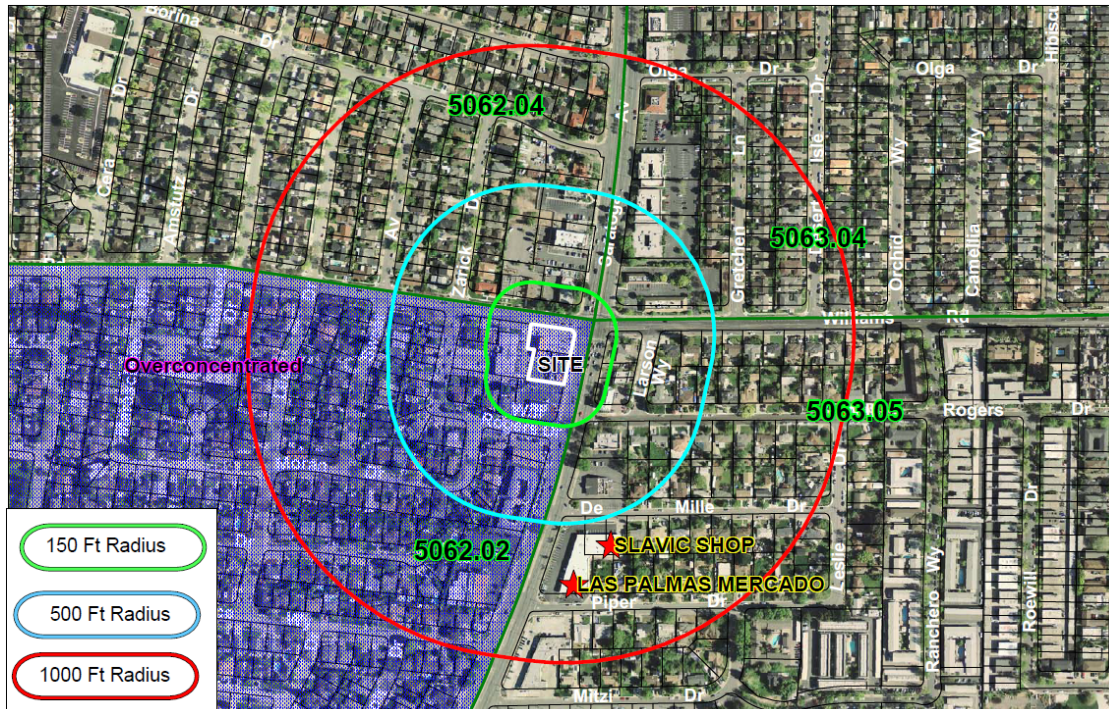
1. The premises of the proposed license are located in an area that has a 20 percent greater number of reported crimes than the average number of reported crimes for the City as a whole, or

**Analysis:** Per City data, the project site is not in an area with greater than a 20 percent crime index and thus is not located in an area that is considered unduly concentrated based on the crime rate.

2. The premises of the proposed license are located in a census tract where the ratio of existing retail off-sale licenses to population in the census tract exceeds the ratio in the County as a whole.

**Analysis:** The site is located within a census tract where the ratio of existing retail off-sale license to population in the census tract exceeds the ratio in the County as a whole.

Therefore, in order for the ABC Department to be able to issue a license for this off-sale use, the City must grant a Determination of Public Convenience or Necessity. The analysis of the proposal is based on the required findings identified in Title 6 of the San José Municipal Code. The site is directly bordered by three census tracts that are not over-concentrated with the off-sale of alcohol.



**Figure 5: Aerial showing the project site, census tract and nearby off-sale of alcohol establishments**

Chapter 6.84 of Title 6 identifies the process and findings related specifically to the off-sale of alcohol and specify that the City Council may issue a PCN only after first making the specified factual findings identified below:

1. The proposed use is not located within a Strong Neighborhoods Initiative or Neighborhood Revitalization area or other area designated by the City for targeted neighborhood enhancement services or programs, or located within an area in which the Chief of Police has determined that the proposed use:
  - a. Would be detrimental to the public health, safety, or welfare of persons located in the area, or;
  - b. Would increase the severity of existing law enforcement or public nuisance problems in the area.

***Analysis:** The proposed use is not located within a Strong Neighborhood Initiative or Neighborhood Revitalization area or other area designated by the City for targeted neighborhood enhancement services or programs. The Police Department is **neutral** to the issuance of the Planned Development Permit, as the reported crime statistics are **not over** the 20 percent crime index. The Police Department will coordinate with ABC to include the following conditions in the applicant's state ABC license:*

- i. Alcoholic beverages sales will cease at midnight daily.*
- ii. No sales of single cans of beer. Beer must be sold in a six-pack minimum.*
- iii. No sales of malt liquor.*

*State law prevents cities from directly regulating the sale of alcohol, and therefore these conditions are appropriately addressed in the state license rather than in the planning permit. As the Police Department, is neutral to the issuance of the Planned Development Permit, the use would not increase the severity of existing law enforcement or public nuisance problems in the area.*

2. The proposed use would not lead to the grouping of more than four off-sale uses within a 1,000 foot radius from the proposed use.

***Analysis:** The proposed use would not lead to a grouping of more than four off-sale uses within a 1,000 foot radius from the proposed use. Therefore, this finding can be made.*

3. The proposed use would not be located within 500 feet of a school, day care center, public park, social services agency, or residential care or service facility, or within 150 feet of a residence.

***Analysis:** The proposed use is not located within 500 feet of a school, day care center, public park, or social services agency. The proposed use is within 150 feet of a residence. Therefore, this finding cannot be made, and the Planning Commission cannot make the findings for the approval of the PCN. When the Planning Commission cannot make the findings, the Planning Commission must make a recommendation to the City Council on whether to approve the PCN determination.*

4. Alcohol sales would not represent a majority of the proposed use.

***Analysis:** Approximately 9 percent of the total floor area is proposed to be used for the sale of alcohol for off-site consumption. The off-sale use represents an ancillary and incidental component to the overall use and does not represent a majority of the overall use. Therefore, this finding can be made.*

5. In addition to the above findings, at least one of the following additional findings must be made:

- a. The census tract in which the proposed outlet for the off-sale of alcoholic beverages is located is unusually configured and the proposed outlet would act as a convenience to an underserved portion of the community without presenting a significant impact on public health or safety; or
- b. The proposed outlet for the off-sale of alcoholic beverages would enhance or facilitate the vitality of an existing commercial area without presenting a significant impact on public health or safety; or
- c. The census tract in which the proposed outlet is located has a low population density in relation to other census tracts in the city, and the proposed outlet would not contribute to an over-concentration in the absolute numbers of outlets for the off-sale of alcoholic beverages in the area; or



- d. The proposed off-sale of alcoholic beverages is incidental and appurtenant to a larger retail use and provides for a more complete and convenient shopping experience.

***Analysis:** At least one of four findings, specifically subpart (d), can be made as the proposed off-sale of alcoholic beverages is incidental and appurtenant to a larger retail use, and provides for a more complete and convenient shopping experience. In addition, the site directly borders three other census tracts that are not over concentrated and the use would service residents in those surrounding census tracts.*

Given that not all of the above findings can be made by the Planning Commission, they must forward to City Council a recommendation on whether to approve the Determination of Public Convenience or Necessity request. The City Council may issue a determination of PCN where the City Council does all of the following:

1. Makes a determination that not all of the required findings set forth in Municipal Code Section 6.84.030, Subsection B (items 1 through 5 discussed above) can be made; and
2. Identifies and finds that a significant and overriding public benefit or benefits will be provided by the proposed use.

The City Council will not be able to make all of the required findings, but can find that the subject off-sale of alcohol will provide a public benefit in that the off-sale of alcohol would be incidental to the primary use and the subject site borders three other census tracts that are not over concentrated with establishments selling alcohol for offsite consumption and would provide convenient service to those residents in the surrounding area, including the adjacent census tracts.

Finally, staff recommends that the Planning Commission forward a recommendation to the City Council to **approve** the subject Planned Development Rezoning and Planned Development Permit. Further, staff recommends that the Planning Commission recommend that the City Council **approve** the Determination of Public Convenience or Necessity request for the following reasons:

1. The area for the off-sale of beer and wine is proposed to be approximately 9 percent of the total floor area and is therefore an ancillary use.
2. The proposed use is not situated within an area of high crime.
3. The proposed use directly borders three non-concentrated census tracts.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Initial Study (IS) and Negative Declaration (ND) were prepared by the Director of Planning, Building and Code Enforcement for the subject Planned Development Zoning and Planned Development Permit. The documents were circulated for public review between January 22, 2015 and February 11, 2015. No comments were received on the Initial Study and Negative Declaration.

The ND states that the proposed Planned Development Zoning and Planned Development Permit will have a less than significant effect on the environment. No impacts were identified; therefore, no mitigation is required.

The entire ND and Initial Study are available for review on the Planning website at:

<http://www.sanjoseca.gov/index.aspx?nid=2165>.

**PUBLIC OUTREACH/INTEREST**

For the subject Planned Development Zoning and Planned Development Permit proposed project the applicant held a publicly noticed community meeting on June 16, 2014, to discuss the proposed project. Approximately 14 people from the public attended the community meeting and were generally supportive of the proposed upgrades and renovations to the site. The community did voiced concern with the proposed off-sale alcohol and stated they would not support the off-sale of alcohol with the proposed use.

The proposed project is a significant upgrade from the existing development and given the higher quality of the development, site design and orientation, the proposed use and off-sale of alcohol would be an ancillary use and it would not increase the severity of existing law enforcement or public nuisance problems in the area.

**PUBLIC HEARING NOTIFICATION**

- ☐ **Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater.  
(Required: Website Posting)
- ☐ **Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City.  
(Required: E-mail and Website Posting)
- ☐ **Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. (Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)

Although this item does not meet any of the criteria above, staff followed Council Policy 6-30: Public Outreach Policy. A notice of the public hearing was distributed to the owners and tenants of all properties located within 500 feet of the project site and posted on the City website. The staff report is also posted on the City's website. Staff has been available to respond to questions from the public.

**Project Manager:** Tong (John) Tu

**Approved by:**  , Division Manager for Harry Freitas, Planning Director

**Date:** 2.17.15

**Attachments:**

"Exhibit A" Draft Development Standards  
 "Exhibit B" Draft City Council Resolution  
 "Exhibit C" Plan Sets  
 "Exhibit D" Police Memo  
 "Exhibit E" Neighborhood Correspondences

<b>Owner:</b>	<b>Applicant:</b>
Robinson Oil Corporation 955 Martin Avenue, Santa Clara, CA 95050	Robert Beard, LHB Associates 867 Pacific Avenue Suite 120, San Luis Obispo, CA 93401



***DRAFT***

ORDINANCE NO.

**AN ORDINANCE OF THE CITY OF SAN JOSE REZONING  
CERTAIN REAL PROPERTY OF APPROXIMATELY 0.64  
GROSS ACRE SITUATED AT THE SOUTHWEST CORNER  
OF SARATOGA AVENUE AND WILLIAMS ROAD (1005  
SARATOGA AVENUE), FROM THE CP- COMMERCIAL  
PEDESTERIAN ZONING DISTRICT TO THE CP(PD)  
PLANNED DEVELOPMENT ZONING DISTRICT**

**WHEREAS**, all rezoning proceedings required under the provisions of Chapter 20.120 of Title 20 of the San José Municipal Code have been duly had and taken with respect to the real property hereinafter described; and

**WHEREAS**, a Negative Declaration was prepared in conformance with the California Environmental Quality Act of 1970 (CEQA), as amended, for the subject rezoning to the CP(PD) Planned Development Zoning District under File Number PDC14-009; and

**WHEREAS**, the City Council of the City of San José is the decision-making body for the proposed subject rezoning to the CP(PD) Planned Development Zoning District; and

**WHEREAS**, the Council of the City of San José has considered, approved, and adopted said Negative Declaration under separate Council resolution prior to taking any approval actions on this project.

**NOW THEREFORE**, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

**SECTION 1.** All that real property hereinafter described in this section, hereinafter referred to as "subject property," is hereby rezoned as CP(PD) Planned Development Zoning District. The base zoning district of the subject property shall be the CP-Commercial Pedestrian Zoning District. The Planned Development zoning of the subject property shall be that development plan for the subject property entitled, "General Development Plan – Rotten Robbie #2", as **last revised December 9, 2014** ("General Development Plan").

Said General Development Plan is on file in the office of the Director of Planning and is available for inspection by anyone interested therein, and said General Development Plan is by this reference adopted and incorporated herein the same as if it were fully set forth herein.

The subject property referred to in this section is all that real property situated in the County of Santa Clara, State of California, described in Exhibit "A" attached hereto and incorporated herein by this reference.

**SECTION 2.** The district map of the City is hereby amended accordingly.

**SECTION 3.** The land development approval that is the subject of City File No. PDC14-009 is subject to the operation of Part 2.75 of Chapter 15.12 of Title 15 of the San José Municipal Code. The applicant for or recipient of such land use approval hereby acknowledges receipt of notice that the issuance of a building permit to implement such land development approval may be suspended, conditioned or denied where the City Manager has determined that such action is necessary to remain within the aggregate operational capacity of the sanitary sewer system available to the City of San José or to meet the discharge standards of the sanitary sewer system imposed by the California

Regional Water Quality Control Board for the San Francisco Bay Region.

**PASSED FOR PUBLICATION** of title this \_\_\_\_ day of \_\_\_\_\_ 2015, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

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SAM LICCARDO  
Mayor

ATTEST:

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TONI J. TABER, CMC  
City Clerk

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING A PLANNED DEVELOPMENT PERMIT, SUBJECT TO CONDITIONS, AND GRANTING A DETERMINATION OF PUBLIC CONVENIENCE OR NECESSITY TO ALLOW DEVELOPMENT OF A 3,200 SQUARE FOOT CONVENIENCE STORE AND GASOLINE STATION, AND TO ALLOW THE OFF-SALE OF BEER AND WINE FOR OFF-SITE CONSUMPTION AT THE CONVENIENCE STORE, ALL ON A 0.64 GROSS ACRE SITE LOCATED AT THE SOUTHWEST CORNER OF SARATOGA AVENUE AND WILLIAMS ROAD (1005 SARATOGA AVENUE)**

**FILE NOS. PD14-039 & ABC14-008**

**WHEREAS**, pursuant to the provisions of Chapter 20.100 of Title 20 of the San José Municipal Code, on July 30, 2014, an application (File No. PD14-039) was filed with the City of San José for a Planned Development Permit and Determination of Public Convenience or Necessity to allow development of a 3,200 square foot convenience store and gasoline station; and on December 8, 2014, an application (File No. ABC14-008) was filed with the City of San José to allow the off-sale of beer and wine at said convenience store, on that certain real property situated in the CP(PD) Planned Development Zoning District located at the southwest corner of Saratoga Avenue and Williams Road (1005 Saratoga Avenue, which real property is sometimes referred to as the "subject property"); and

**WHEREAS**, the subject property is all that real property more particularly described in Exhibit "A", entitled "Legal Description," which is attached hereto and made a part hereof by this reference as if fully set forth herein; and

**WHEREAS**, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, the Planning Commission conducted a hearing on said application on February 25, 2015, notice of which was duly given; and

**WHEREAS**, at said hearing, the Planning Commission gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

**WHEREAS**, a Negative Declaration (ND) was prepared by the Director of Planning, Building and Code Enforcement; which ND states that the proposed Planned Development Permit will have a less than significant effect on the environment.

**WHEREAS**, at said hearing, the Planning Commission made a recommendation to the City Council respecting said matter based on the evidence and testimony; and

**WHEREAS**, pursuant to and in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code, this City Council conducted a hearing on said application, notice of which was duly given; and

**WHEREAS**, at said hearing, this City Council gave all persons full opportunity to be heard and to present evidence and testimony respecting said matter; and

**WHEREAS**, at said hearing this City Council received and considered the reports and recommendation of the Planning Commission and the Director of Planning, Building and Code Enforcement; and

**WHEREAS**, at said hearing, this City Council received in evidence a development plan for the subject property entitled "Rotten Robbie #2," last revised December 9, 2014, said



plan is on file in the Department of Planning, Building and Code Enforcement and is available for inspection by anyone interested herein, and said development plan is incorporated herein by this reference, the same as if it were fully set forth herein; and

**WHEREAS**, said public hearing before the City Council was conducted in all respects as required by the San José Municipal Code and the rules of this City Council.

**NOW, THEREFORE**, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

After considering all of the evidence presented at the Public Hearing, the City Council finds that the following are the relevant facts regarding this proposed project:

1. The subject site has a land use designation of Neighborhood/Community Commercial on the Envision San José 2040 General Plan Land Use/Transportation Diagram located in Saratoga Avenue Urban Village Boundary.
2. The project site is located in the CP(PD) Planned Development Zoning District (File No. PDC14-009).
3. The approximately 0.64 gross acre project site is within a developed site that is currently developed with an existing restaurant, vacant commercial building, and existing gas station.
4. This Planned Development Permit will allow the construction of a 3,200 square foot gasoline station and convenience store.
5. This Planned Development Permit will allow the off-sale of alcoholic beverages, specifically beer and wine (Type 20 General License).
6. The Zoning Ordinance requires a Planned Development Permit for the off-sale of beer and wine for off-site consumption within the CP(PD) Planned Development Zoning District.
7. The permitted hours of operation will be from 6:00 a.m. to 12:00 a.m. (midnight) daily.
8. On February 24, 2015, the Planning Commission conducted a public hearing on the Planned Development Permit and the accompanying Planned Development Zoning, and recommended approval.

9. The subject site provides 21 parking spaces for the proposed convenience store and gas station.
10. The subject use is located within 150 feet of a residentially zoned property.
11. The proposed use would be one of three establishments within a 1,000-foot radius that provides for the off-sale of beer and wine for off-site consumption.
12. The area proposed for the off-sale of beer and wine is approximately nine percent (9%) of the total floor area.
13. The subject site is not located within a Strong Neighborhood Initiative Area.
14. In a memorandum dated December 5, 2014, the Police Department stated they are neutral to the issuance of a Planned Development Permit to allow the off-sale of beer and wine for off-site consumption at the subject location with restrictions of no sales after midnight, no sales of single cans of beer (six packs or greater), and no sales of malt liquor. The Police Department will coordinate with the state Department of Alcohol Beverage Control (ABC) to include such conditions in the ABC license.
15. The reported crime statistics, as defined by the Business and Professions Code Section 23958.4(c), do not exceed the 20 percent crime index.
16. The subject site is located in a census tract in which the ratio of off-sale licenses to population exceeds the ratio of off-sale retail licenses to population in the County; thus the location is considered unduly concentrated with off-sale retail establishments per Business and Professions Code Section 23958.4(a).
17. A Determination of Public Convenience or Necessity by the City of San Jose is required under state law in order for the State Department of Alcoholic Beverage Control (ABC) to issue an off-sale license to the subject establishment. The City's process for making a Determination of Public Convenience or Necessity is set forth in San José Municipal Code, Title 6.
18. An Initial Study (IS) and Negative Declaration (ND) was prepared by the Director of Planning, Building and Code Enforcement for the subject Planned Development Zoning and Planned Development Permit. The documents were circulated for public review between January 22, 2015 and February 11, 2015. No comments were received on the Initial Study and Negative Declaration.

The ND states that the proposed Planned Development Zoning and Planned Development Permit will have a less than significant effect on the environment. No impacts were identified; therefore, no mitigation is required.

The City Council concludes and finds, based on analysis of the above facts with respect to the Planned Development Permit findings, as set forth in San José Municipal Code Section 20.100.940, that:

1. The Planned Development Permit, as issued, furthers the policies of the General Plan, in that:
  - a. The project is consistent with the site's General Plan Land Use/Transportation Diagram designation of Neighborhood/Community Commercial, as commercial uses are allowed in this designation.
  - b. The project is consistent with the General Plan and Urban Village policies in that it promotes pedestrian orientated design principals and encourages job generated development.
2. The Planned Development Permit, as issued, conforms in all respects to the Planned Development Zoning of the property in that:
  - a. The proposed project conforms to the approved General Development Plan, in that the General Development Plan allows the proposed gasoline station, convenience store, and off-sale of beer and wine with the issuance of a Planned Development Permit, and the proposal conforms to the development standards, including setbacks and building height.
3. The interrelationship between the orientation, location, mass and scale of building volumes, and elevations of proposed buildings, structures and other uses on-site are appropriate, compatible and aesthetically harmonious, in that:
  - a. The proposed project is two structures within developed lots and is consistent in terms of scale, design elements, and use of materials.
4. The proposed project is in compliance with the California Environmental Quality Act (CEQA) in that a Negative Declaration was prepared and publicly circulated, and adopted by this City Council under separate Council resolution, all in accordance with CEQA .

The City Council finds, based on the analysis of the above facts, in regard to the Zoning Ordinance findings for off-sale of alcohol that:

1. This use is not closer than 500 feet from another use involving the off-sale of alcoholic

beverages, situated either within or outside the City.

2. The use is not located closer than 500 feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university.
3. The use is closer than 150 feet from residentially-zoned property as measured from the front entrance façade, but the building in which the proposed use would be located is situated and oriented in such a manner so as to not adversely affect the residential use, and path of travel exceeds 150 feet from residential-zoned property.
4. The proposed use would not result in a grouping of four or more off-sale uses within a 1000-foot radius from the proposed use.
5. The proposed use would not be detrimental to public health, safety, or welfare of persons located in the area and would not increase the severity of existing law enforcement or public nuisance problems in the area.

The City Council concludes and finds, based on the analysis of the above facts in regards to the Determination of Public Convenience or Necessity, that:

1. The proposed use is not located within a Strong Neighborhoods Initiative or Neighborhood Revitalization area or other area designated by the City for targeted neighborhood enhancement services or programs, or located within an area in which the Chief of Police has determined based upon quantifiable information that the proposed use: (a) would be detrimental to the public health, safety, or welfare of persons located in the area; or (b) would increase the severity of existing law enforcement or public nuisance problems in the area.
2. The proposed use would not lead to the grouping of more than four off-premises sale of alcoholic beverage uses within a 1,000-foot radius from the exterior of the building containing the proposed use; and
3. The proposed use is not located closer than 500 feet from any child care center, public park, social service agency, residential care facility, residential service facility, elementary school, secondary school, college or university, but is 150 feet from residentially zoned property. However, the building in which the proposed use is to be located is situated and oriented in such a manner that would not adversely affect such residential, child care center, public park, social service agency, residential care facility, residential service facility and/or school use.

4. Alcoholic beverage sales would not represent a majority of the proposed use; and
5. The proposed off-premises sale of alcoholic beverages is incidental and appurtenant to a retail market and gas station and would further provide for a more convenient customer experience.

Further, the City Council concludes and finds, based on the analysis of the above facts in regards to the Planned Development Permit, that:

1. The proposed use at the location requested will not:
  - a. Adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area; or
  - b. Impair the utility or value of property of other persons located in the vicinity of the site; or
  - c. Be detrimental to public health, safety or general welfare.
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this title, or as is otherwise required in order to integrate said use with the uses in the surrounding area.
3. The proposed site is adequately served:
  - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate; or by other forms of transit adequate to carry the kind and quantity of individuals such use would generate; and
  - b. By other public or private service facilities as are required.

In accordance with the findings set forth above, a Planned Development Permit and a Determination of Public Convenience and Necessity to use the subject property for said purpose specified herein and subject to each and all of the conditions hereinafter set forth are hereby **granted**. This City Council expressly declares that it would not have granted this permit and determination except upon and subject to each and all of said conditions, each and all of which conditions shall run with the land and be binding upon the owner



and all subsequent owners of the subject property, and all persons who use the subject property for the use permitted hereby.

## CONDITIONS

1. **Acceptance of Permit.** Per Section 20.100.290(B) of Title 20 of the San José Municipal Code, should the applicant fail to file a timely and valid appeal of this Permit within the applicable appeal period, such inaction by the applicant shall be deemed to constitute all of the following on behalf of the applicant:
  - a. Acceptance of the Permit by the applicant; and
  - b. Agreement by the applicant to be bound by, to comply with, and to do all things required of or by the applicant pursuant to all of the terms, provisions, and conditions of this Permit or other approval and the provisions of Title 20 applicable to such Permit.
2. **Permit Expiration.** This Planned Development Permit shall automatically expire two (2) years from and after the date of issuance hereof by the City Council, if within such time period, the proposed use of this site or construction has not commenced, pursuant to and in accordance with the provision of this Planned Development Permit. The date of issuance shall be the date this Permit is approved by the City Council. However, the Director of Planning may approve a Permit Adjustment/Amendment to extend the validity of this Permit in accordance with Title 20. The Permit Adjustment/Amendment shall be approved prior to the expiration of this Permit.
3. **Permit Adjustment Required.** Prior to the issuance of a Building Permit, the Developer shall secure and agree to implement a Permit Adjustment to the satisfaction of the Director of Planning which address the following items:
  - a. The addition of an entryway and transparent store front windows to the front elevation of the building that fronts Saratoga Avenue.
4. **Planned Development District Effectuated.** Once this Planned Development Permit is accepted, the use of territory not covered by the Permit shall only be land uses consistent with the Planned Development Zoning District and only upon issuance of a Planned Development Permit for those uses.
5. **Conformance to Plans.** Development of the site shall conform to approved Planned Development plans entitled, "Rotten Robbie #2," last revised December 9, 2014, on file with the Department of Planning, Building and Code Enforcement, and to the San José Building Code (San José Municipal Code, Title 17, Chapter 17.04), with the exception of any subsequently approved changes.

6. **Use Authorization.** This Planned Development Permit allows the demolition of two commercial buildings and an existing gas station, and allows the construction of a new gas station and a 3,200 square foot convenience store, and off-sale beer and wine for off-site consumption.
7. **Alcoholic Beverage Control.** The off-sale of beer and wine is allowed in conformance with the requirements of the Department of Alcohol Beverage Control (ABC). The applicant shall obtain and maintain full compliance with its ABC license and remain in good standing with the Department of Alcoholic Beverage Control.
8. **Limitations on Area of Alcohol Sales.** The sale of alcohol for off-site consumption allowed by this Permit shall be limited and incidental to the primary use of a convenience store. The area in which alcoholic beverages are displayed or otherwise offered for sale shall not exceed 10 percent of the total floor area of the retail area that is open and accessible to the general public (i.e., excluding backroom storage and office spaces). Alcohol product displays shall not be placed outside the retail tenant space.
9. **Building Permit/Certificate of Occupancy.** No change in the character of occupancy or change to a different group of occupancies as described by the Building Code shall be made without first obtaining a Certificate of Occupancy from the Building Official, as required under San José Municipal Code Section 24.02.610, and any such change in occupancy must comply with all other applicable local and state laws.
10. **Demolition of Existing Buildings.** The existing structures on the subject site that would otherwise be situated on a proposed property line or cause non-conformance to the required setbacks shall be demolished to the satisfaction of the Chief Building Official prior to the recordation of documents and maps that establish the proposed changes to the location of property lines. A Demolition Permit shall be required from the Building Division to demolish the subject structures.
11. **Asbestos.** In accordance with State law, an asbestos survey shall be completed prior to the demolition renovation of any structures on the site. If any asbestos building materials are present, an asbestos abatement program shall be implemented, including the removal and disposal of the materials at a permitted facility.
12. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined below.

13. **Discretionary Review.** The Director of Planning shall maintain the right of discretionary review of requests to alter or amend structures, conditions or restrictions of this Planned Development Permit incorporated by reference in this Permit in accordance with the San José Municipal Code.
14. **Permittee Responsibility.** The permittee shall ensure that the use authorized by this Permit is implemented in conformance with all of the provisions of this Permit.
15. **Nuisance.** This use shall be operated in a manner that does not create a public or private nuisance. Nor shall the use adversely affect the peace, health, safety, morals or welfare of persons residing or working in the surrounding area or be detrimental to public health, safety or general welfare. Any such nuisance must be abated immediately upon notice by the City.
16. **Hours of Operation.** This use is permitted to operate within the Commercial Pedestrian Zoning District between the hours of 6:00 a.m. and 12:00 a.m. (midnight).
17. **Disturbance Coordinator.** The permittee shall implement the following:
  - a. Provide an on-site Disturbance Coordinator during all hours of operation;
  - b. Post contact information for the Disturbance Coordinator in a prominent location within the establishment near the primary entrance;
  - c. Maintain a complaint log including the time and content of all complaints and a summary of the time and nature of the establishment's response to each complaint.
  - d. Ensure that the log is kept current and is available on the project site for inspection by City staff.
18. **Anti-Litter.** The site and surrounding area shall be maintained free of litter, refuse, and debris.
19. **Anti-Graffiti.** The permittee shall remove all graffiti from buildings and wall surfaces within 48 hours of defacement.
20. **Site Maintenance.** The site and public right-of-way frontage shall be maintained free of litter, refuse, and debris.
21. **Building Maintenance.** The property shall be maintained in good visual and functional condition. This shall include, but not be limited to all exterior elements of the buildings such as paint, roof, paving, signs, lighting and landscaping.
22. **Exterior Clean Up.** The permittee shall be responsible for removing any litter (which emanates from the subject use) at the subject site and on all adjacent properties within 200 feet of the subject property between 7:00 a.m. and 8:00 a.m.

on a daily basis. Garbage pickup shall not occur later than 10:00 p.m. or prior to 7:00 a.m. Operation of mechanical blowers, vacuums, or other noise generating equipment used in the cleaning and maintenance of outdoor areas shall not be allowed between the hours of 10:00 p.m. and 7:00 a.m.

23. **Operations.** The rear door facing residential property located north of this property shall not be accessible by the public.
24. **Sewage Treatment Demand.** Chapter 15.12 of Title 15 of the San José Municipal Code requires that all land development approvals and applications for such approvals in the City of San José shall provide notice to the applicant for, or recipient of, such approval that no vested right to a Building Permit shall accrue as the result of the granting of such approval when and if the City Manager makes a determination that the cumulative sewage treatment demand of the San José-Santa Clara Water Pollution Control Plant represented by approved land uses in the area served by said Plant shall cause the total sewage treatment demand to meet or exceed the capacity of San José-Santa Clara Water Pollution Control Plant to treat such sewage adequately and within the discharge standards imposed on the City by the State of California Regional Water Quality Control Board for the San Francisco Bay Region. Substantive conditions designed to decrease sanitary sewage associated with any land use approval may be imposed by the approval authority.
25. **Outdoor Storage.** No outdoor storage shall be allowed or permitted unless designated on the approved plan set.
26. **Generators.** This Permit does not include the approval of any stand-by/backup electrical power generation facility. Any future stand-by/backup generators shall secure appropriate permits and shall conform to the regulations of Title 20 of the Municipal Code.
27. **Public Works Clearance for Building Permit(s) or Map Approval:** Prior to the approval of the Tract or Parcel Map by the Director of Public Works, or the issuance of Building permits, whichever occurs first, the applicant will be required to have satisfied all of the following Public Works conditions. The applicant is strongly advised to apply for any necessary Public Works permits prior to applying for Building permits.
  - a. **Minor Improvement Permit:** The public improvements conditioned as part of this Planned Development Permit require the execution of a Minor Street Improvement Permit that guarantees the completion of the public improvements to the satisfaction of the Director of Public Works. The Minor Improvement Permit includes privately engineered plans, insurance, surety deposit, and engineering and inspection fees.

- b. **Transportation:** The projected traffic for this project was reviewed by the Public Works Department and found to be minimal; therefore no further traffic analysis is required.
- c. **Urban Village Plan:** This project is located in a designated Urban Village pursuant to the Envision San José 2040 General Plan. Urban Villages are designed to provide a vibrant and inviting mixed-use setting to attract pedestrians, bicyclists, and transit users of all ages and to promote job growth. In order for this project to establish an identity within an Urban Village, the project shall be required to provide the following design elements within the public right-of-way:
  - i. Pedestrian scale lighting.
  - ii. Enhanced landscaping and street trees.
  - iii. Identification banners or gateway elements.
  - iv. Streetscape amenities such as benches, bicycle racks, and attractive trash/recycling receptacles.
- d. **Grand Boulevard:** This project fronts Saratoga Avenue which is designated as one of the seven Grand Boulevards pursuant to the Envision San José 2040 General Plan. Grand Boulevards are identified to serve as major transportation corridors for primary routes for VTA light-rail, bus rapid transit, standard or community buses, and other public transit vehicles. Although Grand Boulevards accommodate all modes of travel, the primary priority is given to public transit. At a minimum, Grand Boulevards require a 135-foot right-of-way. This project shall be required to provide the following design elements along Saratoga Avenue, as determined by the Director of Public Works:
  - i. Minimal driveway cuts to prevent transit delay.
  - ii. Accommodation for emergency, moving, garbage, and commercial vehicles onsite.
  - iii. Enhanced connections and shelters for transit facilities.
- e. **Grading/Geology:**
  - i. A grading permit shall be required prior to the issuance of a Public Works Clearance. The construction operation shall control the discharge of pollutants (sediments) to the storm drain system from the site. At the discretion of the City Public Works Department, an erosion control plan may be required with the grading application.

- ii. All on-site storm drainage conveyance facilities and earth retaining structures 4 feet in height or greater (top of wall to bottom of footing) or those being surcharged (slope of 3:1 or greater abutting the wall) shall be reviewed and approved under the Public Works grading and drainage permit prior to the issuance of Public Works Clearance. The drainage plan shall include all underground pipes, building drains, area drains and inlets. The project shall provide storm drainage calculations that adhere to the 2013 California Plumbing Code or, alternatively, the applicant shall submit a stamped and signed alternate engineered design for Public Works discretionary approval. The on-site drainage facilities shall be designed to convey a 10-year storm event.
- iii. A soils report shall be submitted to and accepted by the City prior to the issuance of a grading permit.
- f. **Stormwater Runoff Pollution Control Measures:** This project shall comply with the City's Post-Construction Urban Runoff Management Policy (Policy 6-29) which requires implementation of Best Management Practices (BMPs) and includes site design measures, source controls and numerically-sized Low Impact Development (LID) stormwater treatment measures to minimize stormwater pollutant discharges.
  - i. The project's Stormwater Control Plan and numeric sizing calculations have been reviewed and this project will be in conformance with City Policy 6-29.
  - ii. Final inspection and maintenance information on the post-construction treatment control measures shall be submitted prior to issuance of a Public Works Clearance.
- g. **Stormwater Peak Flow Control Measures:** The project is located in a non-Hydromodification Management (HM) area and is not required to comply with the City's Post-Construction Hydromodification Management Policy (Council Policy 8-14).
- h. **Flood: Zone D.** The project site is not within a designated Federal Emergency Management Agency (FEMA) 100-year floodplain. Flood Zone D is an unstudied area where flood hazards are undetermined, but flooding is possible. There are no City floodplain requirements for Zone D.
- i. **Sewage Fees:** In accordance with City Ordinance No. 18224 (San José Municipal Code §15.16.580), all storm sewer area fees, sanitary sewer connection fees, and sewage treatment plant connection fees, less previous credits, are due and payable.

- j. **Undergrounding:** : The In Lieu Undergrounding Fee shall be paid to the City for all frontages adjacent to Saratoga Avenue and Williams Road prior to issuance of a Public Works Clearance. Ten (10) percent of the base fee in place at the time of payment shall be due. Currently, the 2015 base fee is \$441 per linear foot of frontage and is subject to change every January 31, based on the Engineering News Record's City Average Cost Index for the previous year. The project will be required to pay the current rate in effect at the time the Public Works Clearance is issued. (Based on the 2015 rate, the fee for this project would be approximately \$13,313.79.)
- k. **Street Improvements:** The project shall implement the following requirements:
- i. Construct a 12-foot wide sidewalk with tree wells along Saratoga Avenue frontage and provide a 2-foot wide dedication.
  - ii. Remove and replace broken or uplifted curb, gutter, and sidewalk along project frontage.
  - iii. Remove and replace existing wheel chair ramp located at the northwest corner of Saratoga Avenue and Williams Road to meet City standards.
  - iv. Close unused driveway cut(s).
  - v. Proposed driveway width to be 32 feet maximum.
  - vi. Dedication and improvement of the public streets shall be done to the satisfaction of the Director of Public Works.
  - vii. Repair, overlay, or reconstruction of asphalt pavement may be required. The existing pavement shall be evaluated with the street improvement plans and any necessary pavement restoration shall be included as part of the final street improvement plans.
- l. **Electrical:** Existing electroliers along the project frontage shall be evaluated at the public improvement stage and any street lighting requirements, which may include upgrades or replacement of existing electroliers or installation of new electroliers, shall be included on the public improvement plans.
- m. **Street Trees:** The locations of the street trees shall be determined at the street improvement stage. The applicant shall contact the City Arborist at (408) 794-1901 for the designated street tree. Street trees shall be installed within the public right-of-way along the entire project street frontage pursuant to City standards (refer to the current "Guidelines for Planning, Design, and Construction of City Streetscape Projects". Street trees shall be installed in cut-outs at the back of curb. The applicant shall obtain a City of San José Department of Transportation street tree planting permit for any proposed street tree plantings.

- n. **Referrals:** This project shall be referred to VTA to coordinate relocation of the bus stop/shelter and determine the location of a new driveway along the bus pad on Saratoga Avenue.
28. **Building Clearance for Issuing Permits.** Prior to the issuance of a Building Permit, the following requirements shall be met to the satisfaction of the Chief Building Official:
- a. *Construction Plans.* This permit file number, PD14-039, shall be printed on all construction plans submitted to the Building Division.
  - b. *Emergency Address Card.* The project developer shall file an Emergency Address Card, Form 200-14, with the City of San José Police Department.
  - c. *Construction Conformance.* A project construction conformance review shall be conducted by the Planning Division.
29. **Green Building.** The project shall comply with the provisions of Ordinance No. 28622 in the San José Municipal Code or subsequent ordinance for private-sector green building that is in effect at the time that a building permit application is submitted to the Department of Planning, Building and Code Enforcement Building Division. The applicant of a commercial building project less than 25,000 square feet shall submit a Project Checklist from U.S. Green Building Council or a GreenPoint Rated Checklist from Building it Green.
30. **Lighting.** Lighting shall conform to the Zoning Code and City Council Policy 4-3 Outdoor Lighting on Private Developments and conforms to approved lighting plan.
31. **Colors and Materials.** All building colors and materials shall be those specified on the Approved Plan Set.
32. **Conformance with Municipal Code.** No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code.
33. **Compliance with Local and State Laws.** The subject use shall be conducted in full compliance with all local and state laws. No part of this approval shall be construed to permit a violation of any part of the San José Municipal Code. The Permit shall be subject to revocation if the subject use is conducted in such a manner as to cause a nuisance, as defined above.
34. **Discretionary Review.** The Director of Planning, Building and Code Enforcement shall maintain the right of discretionary review of requests to alter or amend structures, conditions, or restrictions of this Planned Development Permit incorporated by reference in this Permit in accordance with Chapter 20.100 of Title 20 of the San José Municipal Code.
35. **Refuse.** All trash areas shall be effectively screened from view and covered and



maintained in an orderly state to prevent water from entering into the garbage container. Trash areas shall be maintained in a manner to discourage illegal dumping.

36. **Recycling.** Scrap construction and demolition material shall be recycled. The applicant shall contact the City of San José Integrated Waste Management at (408) 535-8566 for assistance on how to recycle construction and demolition debris from the project, including information on available haulers and processors.
37. **Storm Water Stenciling.** All drain inlets shall be labeled "No Dumping-Flows to Bay." the applicant shall contact the City of San José Department of Public Works, at (408) 277-5161, to obtain free stencils.
38. **Sign Approval.** No signs shall be approved at this time. All proposed signs shall be subject to review and approval by the Director of Planning through a subsequent Sign Permit.
39. **Landscaping.** Planting and irrigation shall be provided as indicated on the approved plans. Landscaped areas shall be maintained and watered and all dead plant material shall be removed and replaced. Permanent irrigation shall be installed in accordance with Part 4 of Chapter 15.10 of Title 15 of the San José Municipal Code, Water Efficient Landscape Standards for New and Rehabilitated Landscaping and the City of San José Landscape and Irrigation Guidelines.
40. **Irrigation Standards.** The applicant shall install an adequately sized irrigation distribution system with automatic controllers in all areas to be landscaped that conforms to the Zonal Irrigation Plan in the Approved Plan Set and shall be consistent with the City of San Jose Landscape and Irrigation Guidelines. The design of the system shall be approved and stamped by a California Registered Landscape Architect prior to Certificate of Occupancy.
41. **Certification.** Pursuant to San José Municipal Code, Section 15.10.486, certificates of substantial completion for landscape and irrigation installation shall be completed by licensed or certified professionals and provided to the Department of Planning, Building and Code Enforcement prior to approval of the final inspection of the project.
42. **Fire Flow and Hydrants.** Required fire flow and fire hydrants for the site shall be provided to the satisfaction of the Fire Chief.
43. **Visible Street Numbers.** Street numbers shall be visible day and night from the nearest street, either by means of illumination or by use of reflective materials.
44. **Revocation, Suspension, Modification.** This Planned Development Permit may be revoked, suspended or modified by the Planning Director, or by the Planning Commission on appeal, at any time regardless of who is the owner of the subject

property or who has the right to possession thereof or who is using the same at such time, whenever, after a noticed hearing in accordance with Part 2, Chapter 20.100, Title 20 of the San José Municipal Code it finds:

- a. A violation of any conditions of the Planned Development Permit was not abated, corrected or rectified within the time specified on the notice of violation; or
- b. A violation of any City ordinance or State law was not abated, corrected or rectified within the time specified on the notice of violation; or
- a. The use as presently conducted creates a nuisance.

Based on all of the above facts and findings for this Planned Development Permit application, this proposal to use the subject property for said purpose specified above is hereby approved.

## **EFFECTIVE DATE**

The effective date of this Permit shall be the effective date of the Planned Development Zoning Ordinance for File No. PD14-039 adopted on \_\_\_\_\_ (the "Planned Development Zoning Ordinance") and shall be no earlier than the effective date of said Planned Development Zoning Ordinance.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2015, by the following vote:

AYES:

NOES:

ABSENT:

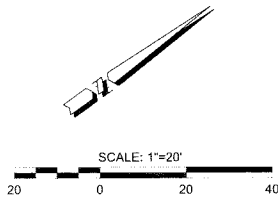
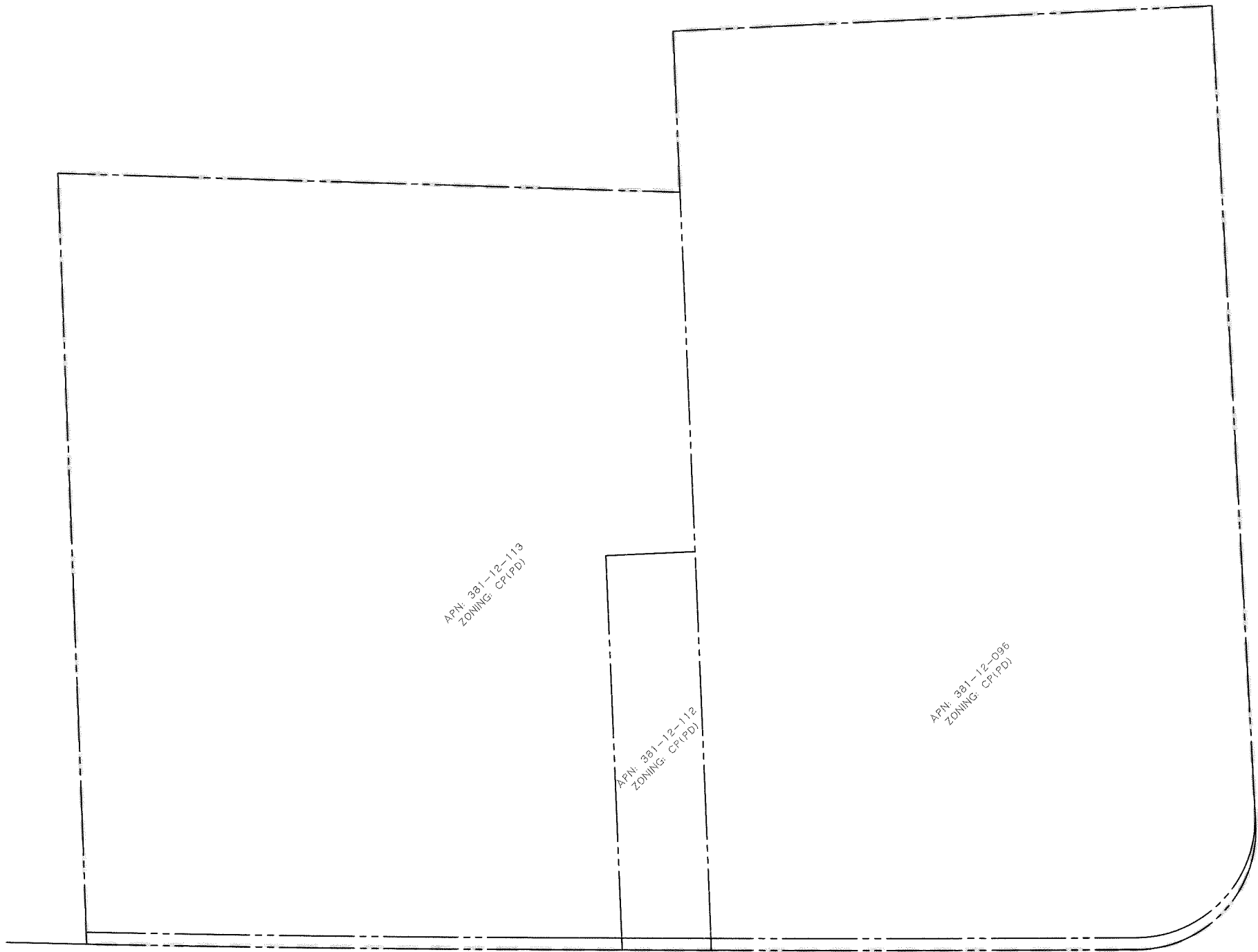
DISQUALIFIED:

\_\_\_\_\_  
SAM LICCARDO  
Mayor

ATTEST:

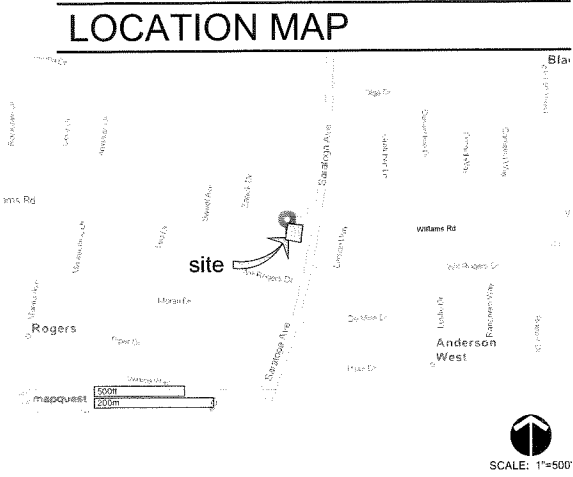
\_\_\_\_\_  
TONI J. TABER, CMC  
City Clerk





WILLIAMS ROAD  
(PUBLIC STREET)

SARATOGA AVENUE  
(PUBLIC STREET)



LAND USE PLAN LEGEND

COMMERCIAL PEDESTRIAN (CP) USES AS AMENDED

CONSULTANT

REVISIONS	
△	
△	
△	

SUBMITTAL DATES	
OWNER:	12/9/2014
REG. AGENCIES	12/9/2014
O.T.B.:	-

PROJECT NO.	09-30-02
DRAWN BY:	JRB
CHECKED BY:	JRB

ROTTEN ROBBIE #2  
SAN JOSE, CALIFORNIA  
1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

SHEET TITLE

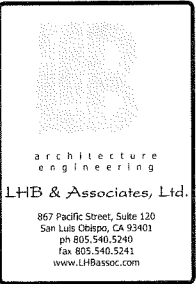
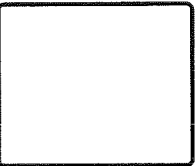
LAND USE  
PLAN

SHEET NO.  
C1.1a

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PDC14-009

C:\09-30 Resolution 09037 New June03\03-Landmarks\Submittals\PD Rezoning\02\_C1.1b.dwg 12/06/14 09:32 PM JRB



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REVISIONS

△  
△  
△

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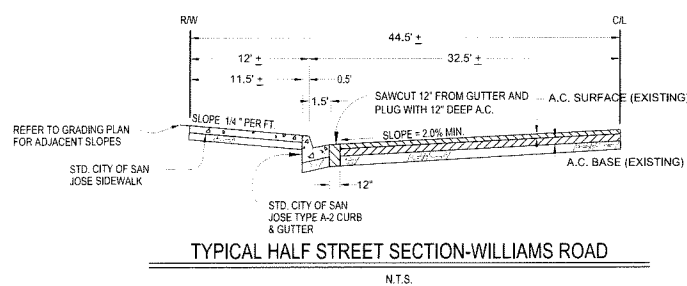
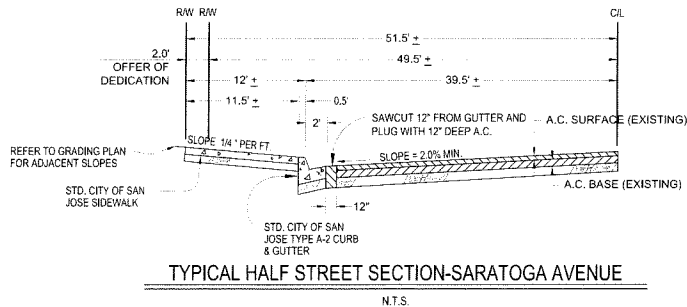
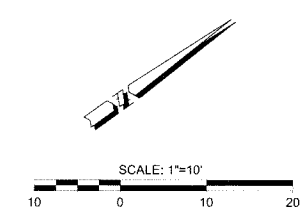
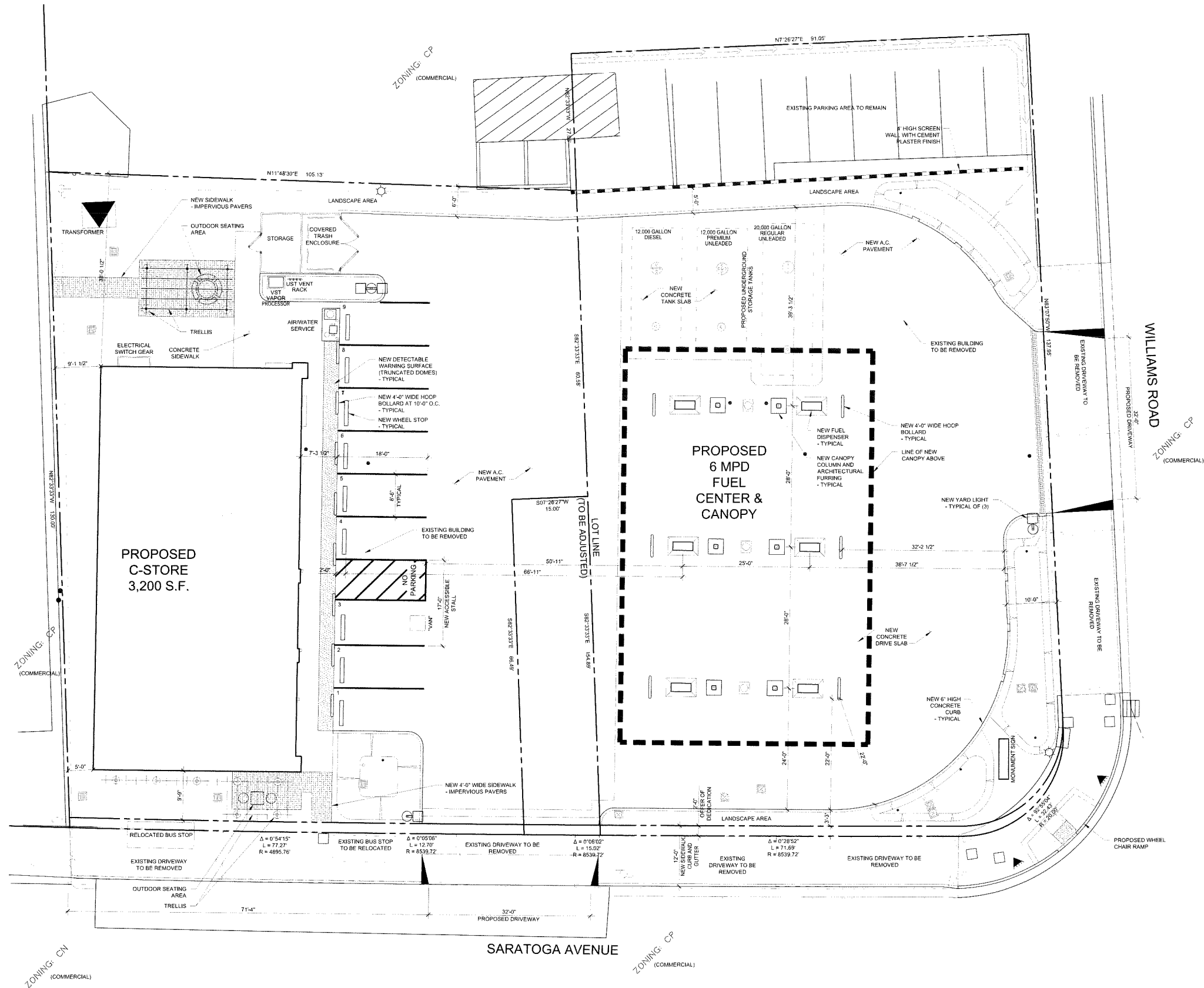
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DEVELOPMENT  
STANDARD  
PAGE

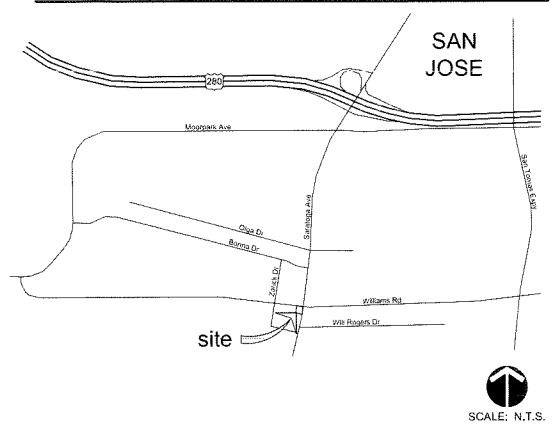
SHEET NO.

C1.1b

PDC14-009



LOCATION MAP



SITE STATISTICS

A.P.N.: 381-12-056/112/113  
LOT SIZE: 27,853 S.F. OR 0.64 ACRES  
BUILDING GROSS AREA: 3,200 S.F.; TOTAL FLOOR AREA: 3,081 S.F.  
13,081 S.F. TOTAL FLOOR AREA x 80% / 200 = 13 STALLS: (1) INFORMATION = 15 x 80% = 12  
PARKING: REQUIRED = 12 SPACES  
PARKING: PROVIDED = 9 SPACES + 12 SPACES AT FUELING DISPENSERS = 21 SPACES  
SITE COVERAGE:  
CONVENIENCE STORE: 11.5%  
CANOPY: 13.1%  
LANDSCAPE: 57.1%  
LANDSCAPE: 17.7%

NOTE:  
TOPOGRAPHIC INFORMATION SHOWN PROVIDED BY SLOOTEN CONSULTING, INC.  
DATED DECEMBER 2011.

PDC14-009

architecture  
engineering  
LHB & Associates, Ltd.  
867 Pacific Street, Suite 120  
San Luis Obispo, CA 93401  
ph 805.540.5240  
fax 805.540.5241  
www.LHBassoc.com

CONSULTANT

REVISIONS

1	PLANNING REVISIONS 23 OCTOBER 2014
2	PLANNING REVISIONS 2 DECEMBER 2014

SUBMITTAL DATES

OWNER:	12/9/2014
REG. AGENCIES	12/9/2014
O.T.B.:	-
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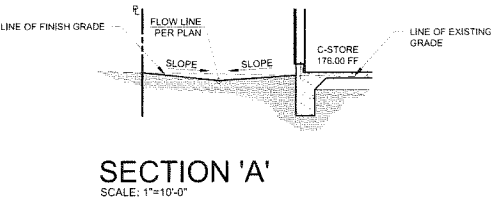
ROTTEN ROBBIE #2  
SAN JOSE, CALIFORNIA  
1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

SHEET TITLE  
CONCEPTUAL  
SITE PLAN

SHEET NO.  
C1.2

C:\98-35\_Robbin\01022\_San\_Jose\0112-Emil\Drawings\Submittal\PD\_Recon\0102 C1.2.dwg 12/09/14 07:37 PM JRB

- NOTES:**
1. TOPOGRAPHIC INFORMATION SHOWN PROVIDED BY SLOOTEN CONSULTING, INC. DATED DECEMBER 2011.
  2. BEST MANAGEMENT PRACTICES (BMP'S) SOURCE CONTROL MEASURES:  
SC-11 SPILL PREVENTION, CONTROL AND CLEANUP;  
SC-20 VEHICLE AND EQUIPMENT FUELING;  
SC-42 BUILDING REPAIR AND CONSTRUCTION;  
SC-43 PARKING/STORAGE AREA MAINTENANCE.
  3. INSPECTION AND MAINTENANCE INFORMATION ON THE POST CONSTRUCTION TREATMENT CONTROL MEASURES SHALL BE PROVIDED TO PUBLIC WORKS PRIOR TO BUILDING PERMIT ISSUANCE.



CONSULTANT

- REVISIONS**
- |   |                                       |
|---|---------------------------------------|
| 1 | PLANNING REVISIONS<br>23 OCTOBER 2014 |
| 2 | PLANNING REVISIONS<br>2 DECEMBER 2014 |

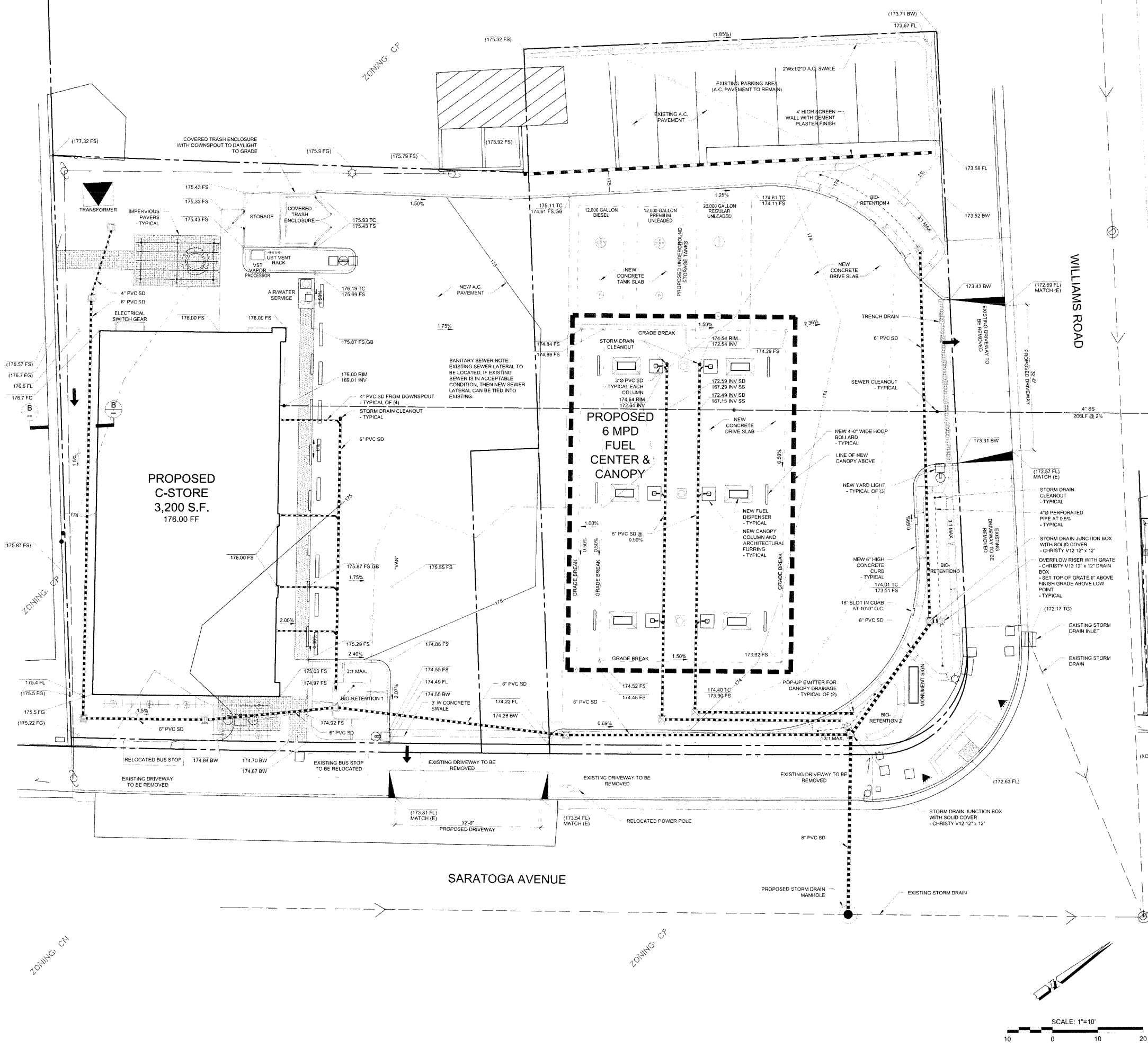
**SUBMITTAL DATES**

OWNER:	12/9/2014
REG. AGENCIES	12/9/2014
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PROJECT NO.	09-30-02
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**ROTTEN ROBBIE #2**  
**SAN JOSE, CALIFORNIA**  
1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

**SHEET TITLE**  
**CONCEPTUAL STORMWATER/ GRADING PLAN**

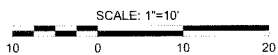
**SHEET NO.**  
**C2.1**



**LIGHTING PLAN**  
SCALE: 1"=30'

**LEGEND**

AC	ASPHALT	PV	POST INDICATOR VALVE
APN	ASSESSOR PARCEL NUMBER	PLTR	PLASTER
BFP	BACK FLOW PREVENTOR	PM	PARKING METER
BOLL	BOLLARD	PP	POWER POLE
BLDG	BUILDING	PL	PROPERTY LINE
BSL	BUILDING SETBACK LINE	PUE	PUBLIC UTILITY EASEMENT
CB	CATCH BASIN	SO. FT.	SQUARE FEET
CEN	CENTERLINE	SL	STREET LIGHT
CONC	CONCRETE	SLB	STREET LIGHT BOX
CP	CONCRETE PAD	SDMH	STORM DRAIN MANHOLE
DCV	DOUBLE CHECK VALVE	SSCD	SANITARY SEWER CLEANOUT
DWY	DRIVEWAY	SSMH	SANITARY SEWER MANHOLE
EB	ELECTRICAL BOX	TE	TELEPHONE
EC	ELECTRICAL CABINET	TRANS	TRANSFORMER
EV	ELECTRICAL VAULT	TSB	TRAFFIC SIGNAL BOX
FC	FACE OF CURB	VT	VAULT
FDC	FIRE DEPARTMENT CONNECTION	WM	WATER METER
FH	FIRE HYDRANT	WV	WATER VALVE
GM	GAS METER	YL	YARD LIGHT
GV	GAS VALVE		GUY ANCHOR
MH	MANHOLE		
MW	MONITORING WELL		
NEW SD PIPE	NEW SD PIPE		
NEW SD PERF PIPE	NEW SD PERF PIPE		





**SOIL TYPE:**  
IN GENERAL, THE NATIVE SOILS CONSISTED OF MEDIUM STIFF TO HARD SILTY CLAYS, CLAYEY SILTS, AND GRAVELLY SILT, AND MEDIUM DENSE TO VERY DENSE CLAYEY GRAVEL, SILTY SAND, AND GRAVELLY SAND.

**GROUNDWATER:**  
GROUNDWATER WAS NOT OBSERVED AT SITE EXPLORATION: WHEREBY, BORING DEPTHS WERE ABOUT 2-3 FEET.

[illegible]

SOIL MIX MUST BE SUBMITTED TO MUNICIPALITY FOR APPROVAL.

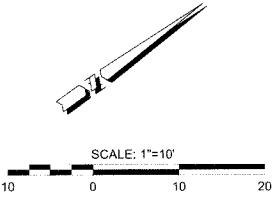
NO FILTER FABRIC SHALL BE USED. REFER TO SOILS REPORT PREPARED BY KORBMACHER ENGINEERING, INC., DATED MAY 11, 2012 FOR ADDITIONAL INFORMATION.

3" MAXIMUM MULCH IF SPECIFIED IN LANDSCAPE PLANS.

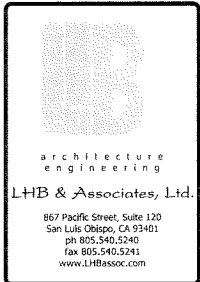
SURFACE AREA OF THE BIO-RETENTION SOIL SHALL EQUAL 4% OF THE AREA OF THE SITE THAT DRAINS TO TREATMENT MEASURE, UNLESS SIZING CALCULATIONS ARE SUBMITTED DEMONSTRATING THAT PROVISION C.3 REQUIREMENTS ARE MET USING A SMALLER SURFACE AREA.

### POST CONSTRUCTION STORM WATER MANAGEMENT NOTES:

1. POST-CONSTRUCTION CONTINUOUS SITE MAINTENANCE IS REQUIRED TO REDUCE THE AMOUNT OF POLLUTANTS THAT REACH THE BIO-RETENTION AREAS.
2. DRY SWEEP THE FUELING AREA ROUTINELY. ALSO, SWEEP OR VACUUM THE PARKING LOT AT LEAST ONCE EVERY MONTH.
3. PREPARE A SPILL CLEAN UP PLAN IN CONFORMANCE WITH THE CITY'S REQUIREMENTS. REMOVE OIL AND OTHER SPILLS USING ABSORBENT MATERIAL AS SOON AS SUCH SPILLAGE OCCURS AND DISPOSE OF APPROPRIATELY.
4. LIMIT USE OF FERTILIZERS IN LANDSCAPED AREA TO THE ABSOLUTE MINIMUM.
5. KEEP TRASH ENCLOSURES COVERED AT ALL TIMES.
6. MAINTAIN LANDSCAPED AREA REGULARLY. CHECK FOR WATER PONDING AND ADJUST GRADING AS NEEDED TO MAKE THE RUNOFF FLOW TO BIO-RETENTION AREAS.
7. STENCIL ALL ON-SITE STORM DRAIN INLETS IN CONFORMANCE WITH THE CITY'S REQUIREMENTS.







CONSULTANT

SUBMITTAL DATES	
OWNER:	12/9/2014
REG. AGENCIES	12/9/2014
O.T.B.:	--

PROJECT NO.	09-30-02
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CHECKED BY:	JRB

ROTTEN ROBBIE #2  
SAN JOSE, CALIFORNIA

1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

SHEET TITLE

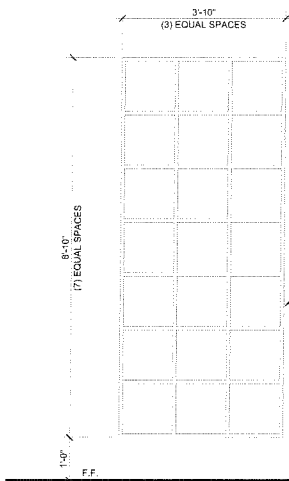
CONCEPTUAL  
FLOOR PLAN

SHEET NO.  
A 1.1

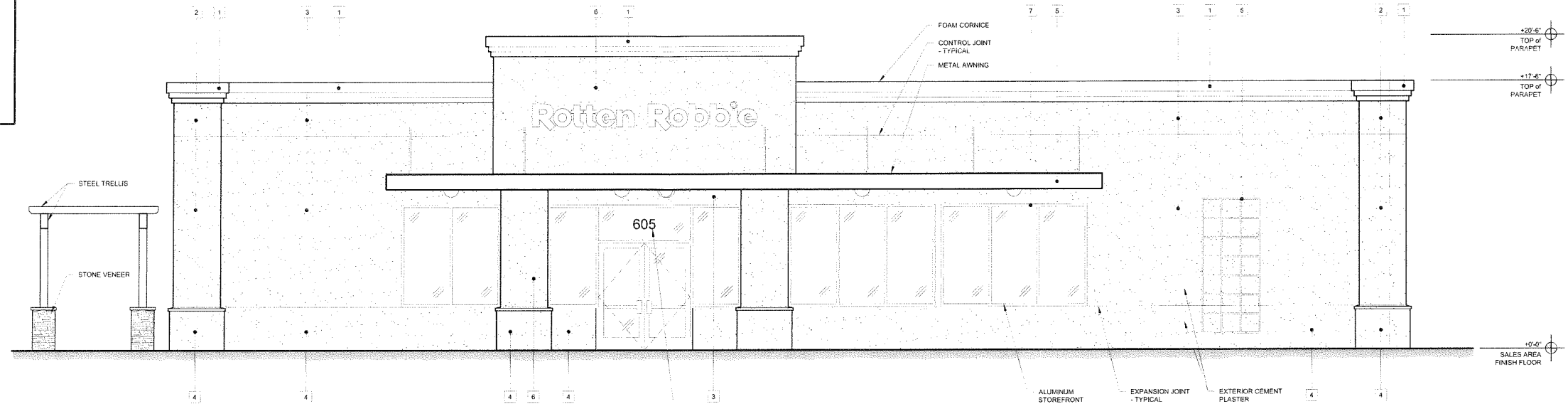


1	SHERWIN WILLIAMS "AVENUE TAN" - SW2079.
2	SHERWIN WILLIAMS "PRICKLY PEAR" - SW2218.
3	SHERWIN WILLIAMS "BUFF" - SW2340.
4	SHERWIN WILLIAMS "OUTRIGGER" - SW2202.
5	ICI "COLORADO RUST" - 267.
6	SHERWIN WILLIAMS "MUSTARD FIELD" - SW2341.
7	ALUMINUM STOREFRONT - BRONZE ANODIZED ALUMINUM

No



PREFABRICATED 1" SQUARE ALUMINUM TRELLIS  
- SHOP DRAWINGS WITH METHOD OF ATTACHMENT SHALL BE SUBMITTED TO ENGINEER FOR APPROVAL



SCALE: 1/2"=1'-0"

ADDRESS NUMBER SHALL CONTRAST WITH  
BACKGROUND  
- HEIGHT SHALL BE PER CITY OF SAN JOSE FIRE  
DEPARTMENT REQUIREMENTS

+20'-6" TOP of PARAPET

+17'-6"   
TOP of  
PARAPET

SALES AREA  
FISH FLOOR

CONSULTANT

1 PLANNING REVISIONS  
23 OCTOBER 2014

2 PLANNING REVISIONS  
2 DECEMBER 2014

OWNER:	12/9/2014
REG. AGENCIES	12/9/2014
O.T.B.:	

PROJECT NO. 09-30-02

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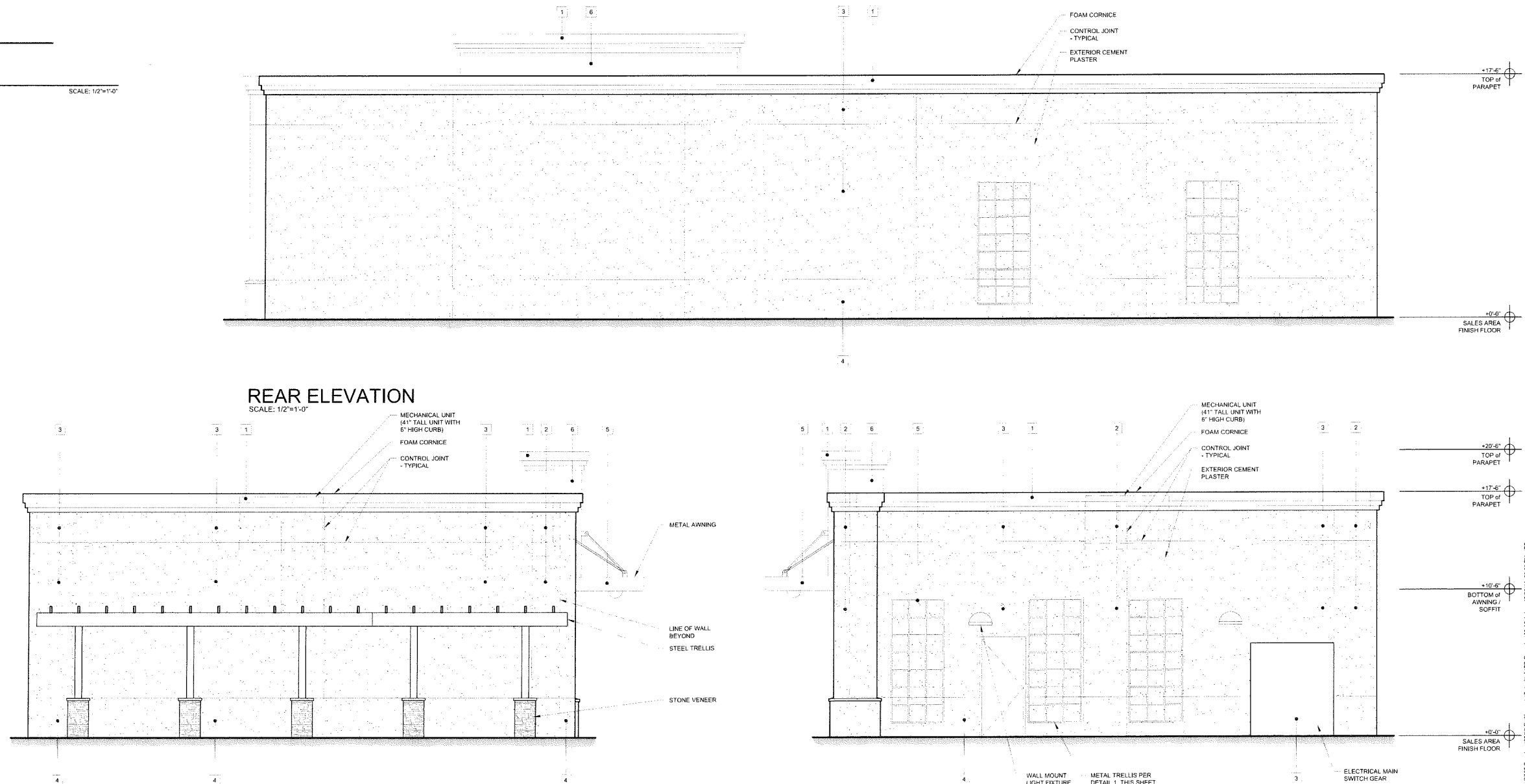
ROTTEN ROBBIE #2  
SAN JOSE, CALIFORNIA

1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

CONCEPTUAL  
BUILDING  
EXTERIOR  
ELEVATIONS

## A2.1

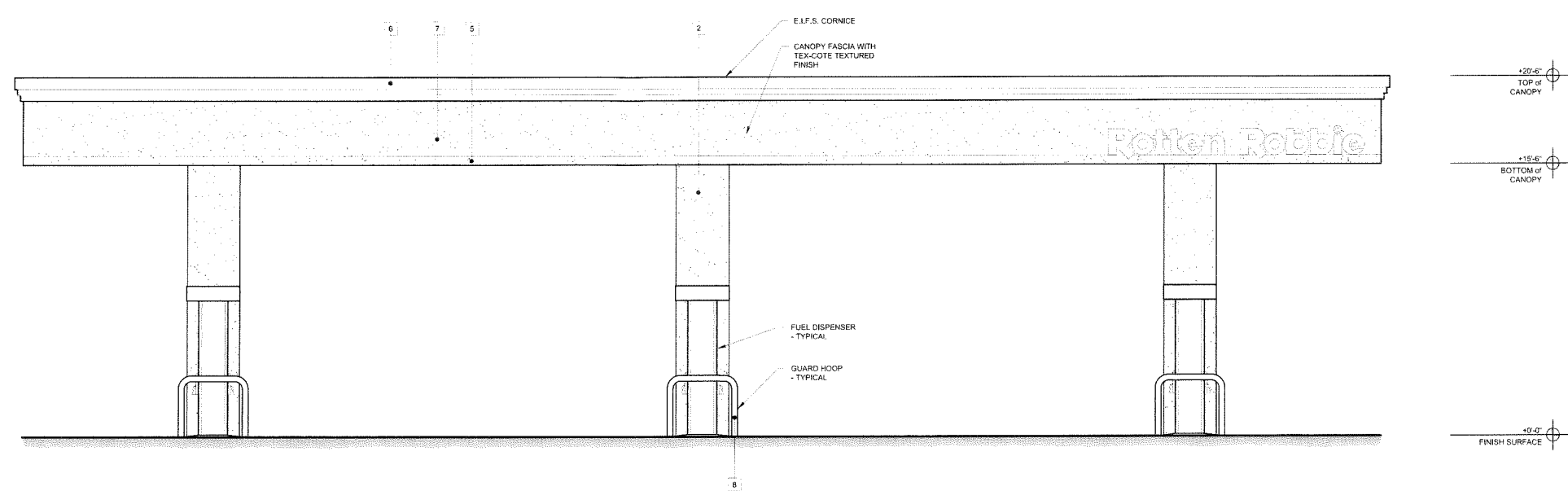
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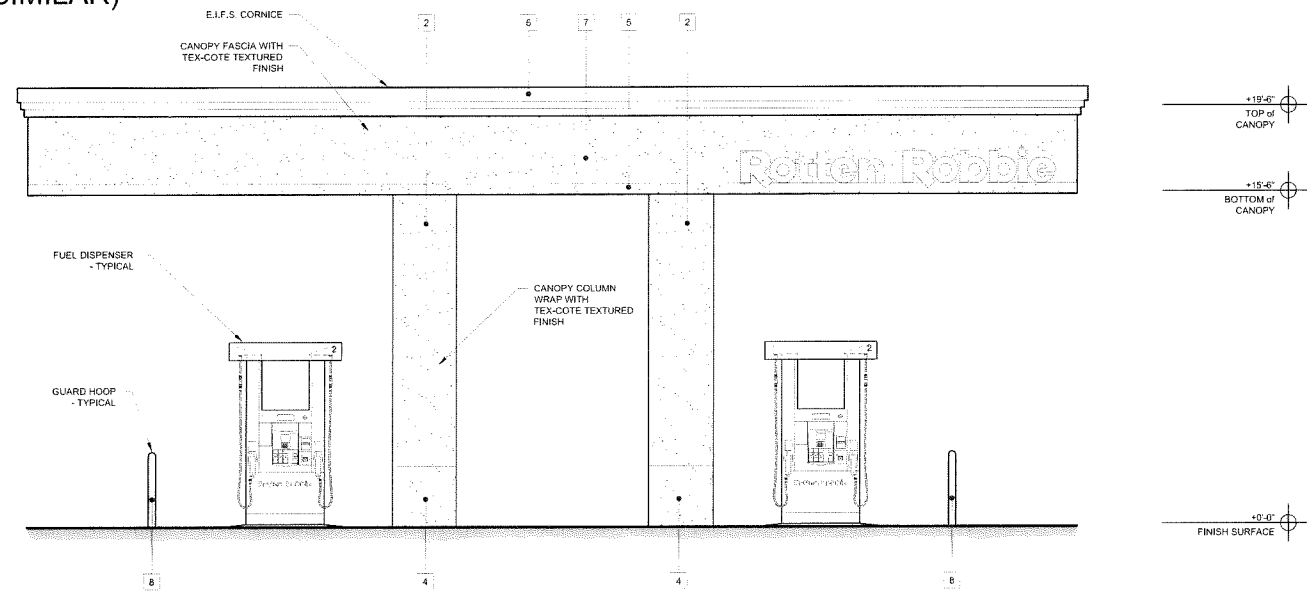
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SCALE: 1/2"=1'-0"

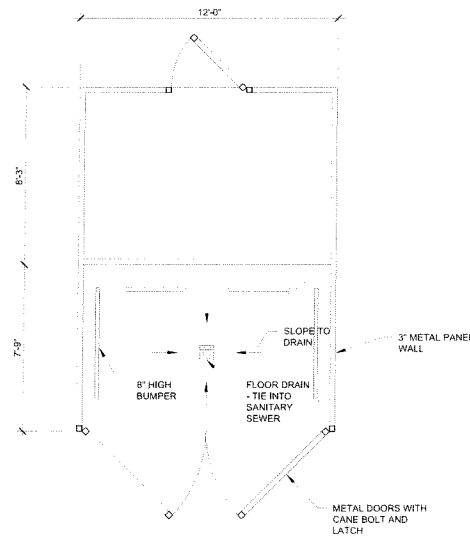
COLOR SCHEME	
No.	
1	SHERWIN WILLIAMS "AVENUE TAN" - SW2079.
2	SHERWIN WILLIAMS "PRICKLY PEAR" - SW2218.
3	SHERWIN WILLIAMS "BLUFF" - SW2340.
4	SHERWIN WILLIAMS "OUTRIGGER" - SW2202.
5	ICI "COLORADO RUST" - 267.
6	SHERWIN WILLIAMS "MUSTARD FIELD" - SW2341.
7	METAL CANOPY FASCIA "DARK BLUE"
8	GUARD HOOP "WHITE"



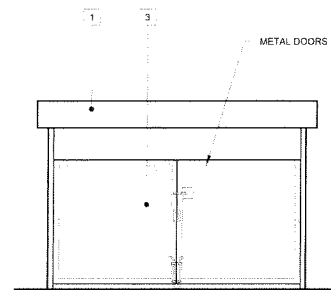
FRONT ELEVATION (REAR ELEVATION SIMILAR)  
SCALE: 1/4"=1'-0"



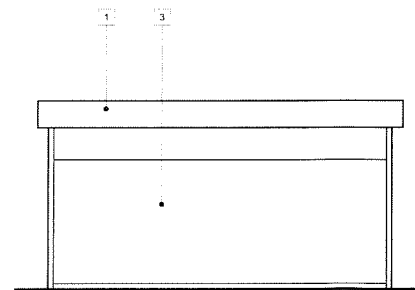
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SCALE: 1/4"=1'-0"



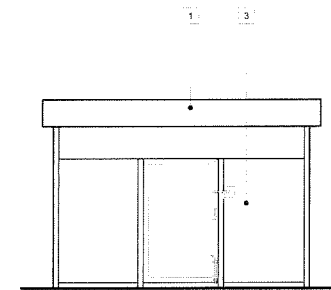
TRASH ENCLOSURE PLAN  
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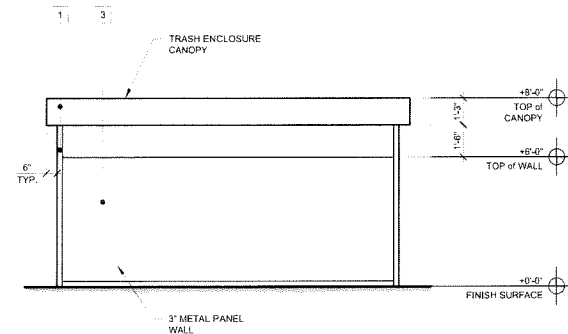
FRONT ELEVATION  
SCALE: 1/4"=1'-0"



RIGHT ELEVATION  
SCALE: 1/4"=1'-0"



REAR ELEVATION  
SCALE: 1/4"=1'-0"



LEFT ELEVATION  
SCALE: 1/4"=1'-0"

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architecture  
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San Luis Obispo, CA 93401  
ph 805.540.5240  
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REVISIONS

1

PLANNING REVISIONS  
23 OCTOBER 2014

2

PLANNING REVISIONS  
2 DECEMBER 2014

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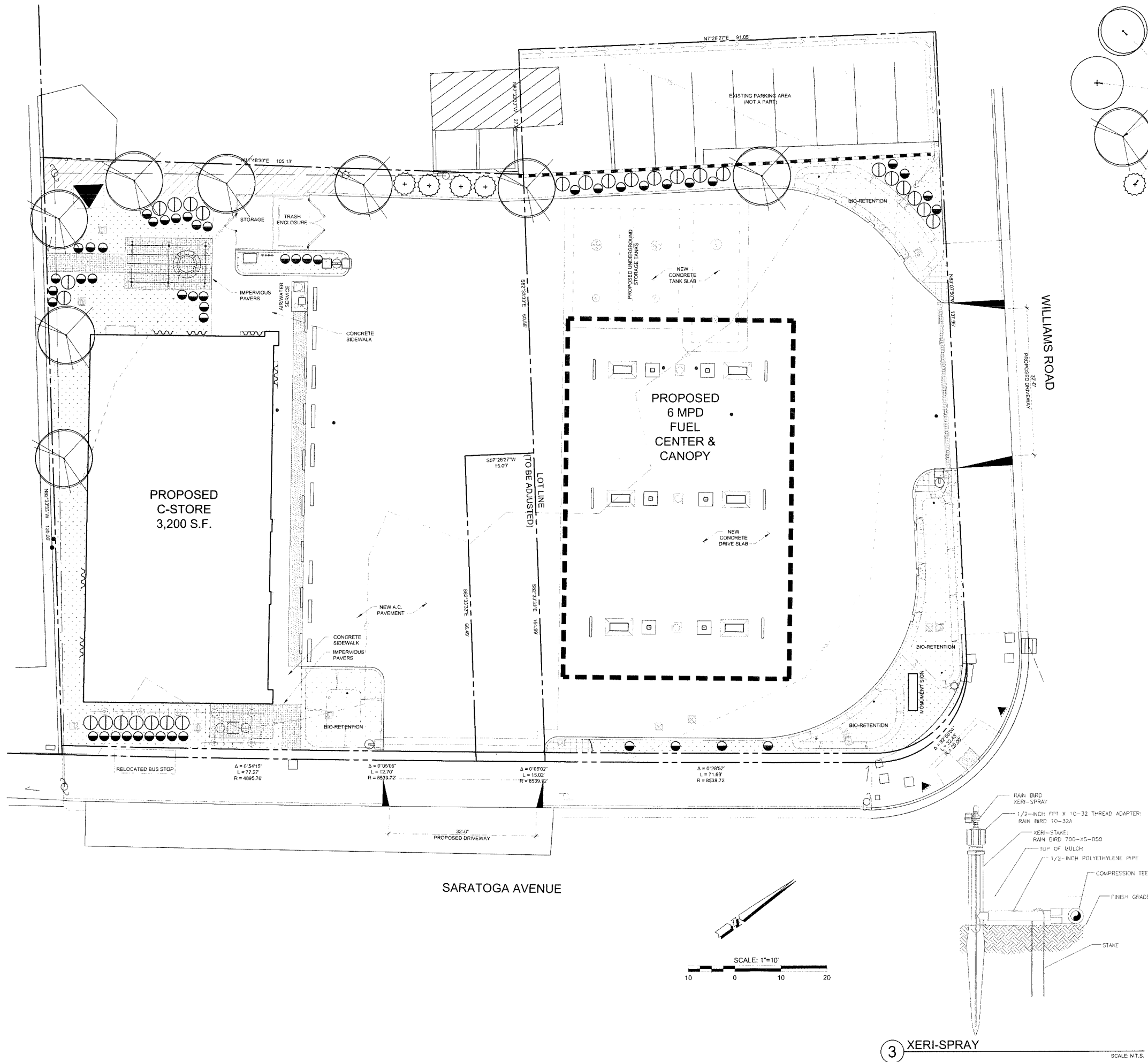
SHEET TITLE

CANOPY /  
TRASH  
ENCLOSURE  
CONCEPTUAL  
EXTERIOR  
ELEVATIONS

SHEET NO.

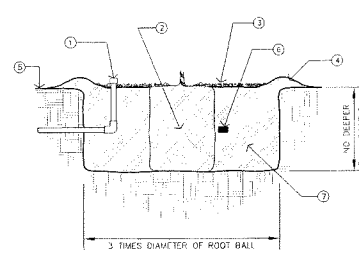
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PDC14-009



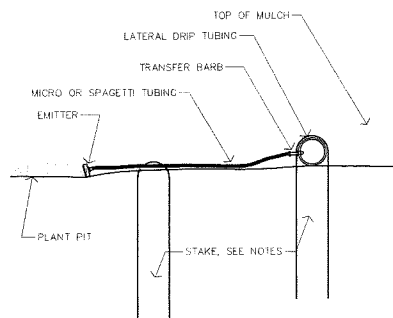
LEGEND					
SYMBOL	SIZE	QTY.	MATURE HEIGHT	BOTANICAL NAME	COMMON NAME
TREES					
15 GAL.	5	-	-	STREET TREE IN TREE WELL SPECIES AND FINAL LOCATION PER CITY ARBORIST AND PUBLIC WORKS DEPARTMENT.	
15 GAL.	-	20	-	RAPIHOLEPIS "MAJESTIC BEAUTY"	MAJESTIC BEAUTY RHAPHIOLEPIS
15 GAL.	8	45	-	LOPHOSTEMON CONFERTUS	BRISBANE BOX
SHRUBS					
5 GAL.	4	8	-	PHOTINIA FRASERI "STANDARD"	STANDARD PHOTINIA
5 GAL.	4	4	-	CISTUS X PURPUREUS	ORCHID ROCKROSE
5 GAL.	27	3	-	ABELIA X "CONFETTI"	DWARF ABELIA
5 GAL.	48	18	-	BERBERIS THUNBERGII "CRIMSON PYGMY"	DWARF BARBERRY
VINES					
5 GAL.	-	-	-	TECOMARIA CAPENSIS	CAPE HONEYSUCKLE
GROUNDCOVER					
SOD	-	-	-	TURF-FESTUCA ARUNDINACEA "ALTA"	TALL FESCUE
1 GAL.	18" O.C.	-	18"	AGAPANTHUS "PETER PAN"	DWARF BLUE AGAPANTHUS
1 GAL.	4" O.C.	-	18"	PITIOSPORUM TOBIRA "CREME DE MENTHE"	DWARF VARIEGATED TOBIRA
FLATS	8" O.C.	-	12"-18"	ANNUALS PER SEASONAL SCHEDULE	
1 GAL.	24" O.C.	-	18"	LANTANA MONTEVIDENSIS	TRAILING LANTANA
1 GAL.	36" O.C.	-	-	JUNCUS PATENS	COMMON RUSH
SITE FEATURES					
-	-	-	-	REDWOOD HEADER BOARD	
-	-	-	-	PEA GRAVEL: 1/4"-1/2" DIAMETER, 3" DEEP, SET IN PLANTER OVER MIRAFI FW700 (PERMEABLE) LANDSCAPE FABRIC	

- IRRIGATION NOTES:
- ALL IRRIGATION LATERALS SHALL BE SCHEDULE 40 PVC WITH 18" MINIMUM COVER.
  - DRIP DISTRIBUTION TUBING INSTALLATION: THE TUBING WILL BE SNAKED IN THE TRENCH IN UNDERGROUND SYSTEMS AND ABOUT THE LANDSCAPE IN ABOVE GROUND INSTALLATIONS TO ALLOW FOR THE EXPANSION AND CONTRACTION VARIATIONS (ADD 3% TO TUBING LENGTH REQUIRED AS A GENERAL RULE).
  - BACKFLOW PREVENTION DEVICE SHALL BE INSTALLED PER LOCAL CODES AND APPROVED BY CITY OF SAN JOSE.



- CALL-OUT NOTES
- BURIED OR DRIP EMITTER LOCATION-INSIDE WATERING BASIN.
  - ROOT BALL.
  - 1" LAYER OF INTERLOCKED REDWOOD MULCH, OR SET PLANT.
  - ON TYPE OF MULCH TO APPLY, KEEP A 3" CLEARANCE AROUND TRUNK(S) OF ALL SHRUBS AND TREES.
  - CONSTRUCT STAMPED EARTH-MOLDING FOR WATERING BASIN. LOCATE AT OUTSIDE EDGE OF PLANT PIT. 2" HIGH FOR 1" & 3" GALLON PLANTS, 4" HIGH FOR 15 GAL. & LARGER PLANTS. CMT. 10 LINES.
  - FINISH GRADE.
  - "AGRICOM" 20-10-5 PLANTING TABLETS. PLACE TABLETS HALF-WAY UP & 1" AWAY FROM ROOT BALL. USE 1 TAB FOR 1 GAL., 2 TABS FOR 3 GAL., 3 TABS FOR 15 GAL., AND FOR LARGER PLANTS, USE 1 TAB FOR EACH 1/2" OF TRUNK DIAMETER. PLACE TABS EQUALLY SPACED AROUND ROOT BALL.
  - PLANT PIT BACKFILL. USE NO AMENDMENTS UNLESS STATED DIFFERENTLY IN PLANTING NOTES. BACKFILL SHALL BE NATIVE SITE SOIL BROKEN UP FINELY AND ROCK (1" OR LARGER) AND OTHER SOLETS/STONES REMOVED. REMOVE ALL 0.4% SLICES FROM WALL OF PLANT PIT AND SCARIFY SIDES AND BOTTOM. WATER SETTLE PLANT PIT ONCE BACK-FILLING IS COMPLETE.

1 PLANT PIT IRRIGATION SCALE: N.T.S.



- NOTES
- STAKING - LATERAL DRIP TUBING WILL BE STAKED AT 6' O.C. AND 3' FROM ENDS. MICRO (SPAGETTI) TUBING WILL BE STAKED AT 3' O.C. STAKES WILL BE GALV. METAL AND MANUFACTURED BY SISCO, PEPCO, OR EQUAL.
  - EMITTERS UP SLOPE FROM LATERAL DRIP TUBING WILL BE STAKED ON THE UP SLOPE SIDE OF PLANT PIT.

2 DRIP EMITTER SCALE: N.T.S.

3 XERI-SPRAY SCALE: N.T.S.

PDC14-009

architecture  
engineering

LHB & Associates, Ltd.

857 Pacific Street, Suite 120  
San Luis Obispo, CA 93401  
ph 805.540.5240  
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CONSULTANT

REVISIONS	
1	PLANNING REVISIONS 23 OCTOBER 2014
2	PLANNING REVISIONS 2 DECEMBER 2014

SUBMITTAL DATES	
OWNER:	12/9/2014
REG. AGENCIES	12/9/2014
O.T.B.:	-
PROJECT NO.	09-30-02
DRAWN BY:	JRB
CHECKED BY:	JRB

ROTTEN ROBBIE #2  
SAN JOSE, CALIFORNIA

1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

SHEET TITLE

CONCEPTUAL  
LANDSCAPE  
PLAN

SHEET NO.

L1.1



PROJECT DATA

PROJECT DESCRIPTION:

THE PROJECT CONSISTS OF REMOVAL OF TWO EXISTING RESTAURANT BUILDINGS AND SEVEN MULTI-PRODUCT FUELING DISPENSERS. PROPOSED REDEVELOPMENT INCLUDES CONSTRUCTION OF A 3,200 SQUARE FOOT CONVENIENCE STORE, SIX MULTI-PRODUCT FUELING DISPENSERS, AND A 3,822 SQUARE FOOT CANOPY STRUCTURE OVER THE FUEL DISPENSERS. OTHER IMPROVEMENTS INCLUDE PARKING LOT AND LANDSCAPE UPGRADES, INSTALLATION OF A TRASH ENCLOSURE AND THE EXISTING DRIVEWAYS ARE PROPOSED TO BE IMPROVED, REMOVED OR REPLACED ALONG WILLIAMS ROAD AND SARATOGA ROAD. ADDITIONALLY, THE OFF-SALE OF ALCOHOL IS PROPOSED.

GOVERNING JURISDICTION: CITY OF SAN JOSE

USE PERMIT: PDC14-009

APN: 381-12-096(112)113

LOT SIZE: 27,853 S.F.

ZONE: CP - COMMERCIAL PEDESTRIAN

ZONE CHANGE: YES: CP(PD) - COMMERCIAL PEDESTRIAN PLANNED DEVELOPMENT

OCCUPANCY: C-STORE: M

CANOPY: M

CONSTRUCTION TYPE:

C-STORE: V-B

CANOPY: II-B

FIRE SPRINKLERS:

C-STORE: YES

CANOPY: YES

ALLOWABLE FLOOR AREA:

8,000 sq. ft.  
GROSS TOTAL: 3,200 sq. ft.  
3,200 sq. ft. < 8,000 sq. ft.

BUILDING HEIGHT:

HEIGHT PROPOSED: C-STORE: 20'-6" CANOPY: 19'-6"

BUILDING AREA:

C-STORE: 3,200 SQ. FT.  
CANOPY: 3,822 SQ. FT.

PARKING REQUIREMENTS:

BUILDING GROSS AREA: 3,200 S.F.; TOTAL FLOOR AREA: 3,081 S.F.

(3,081 S.F. TOTAL FLOOR AREA x 85% / 200 = 13 STALLS; (1) AIR/WATER; (1) INFORMATION) = 15 x 80% = 12

PARKING: REQUIRED = 12 SPACES

PARKING: PROVIDED = 21 SPACES

# Rotten Robbie

## #2

1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

PD PERMIT PD14-039

REGULATORY AGENCIES/UTILITY COMPANIES

BUILDING DEPARTMENT: CITY OF SAN JOSE BUILDING DEPARTMENT  
TOWER 1ST FLOOR  
200 EAST SANTA CLARA STREET  
SAN JOSE, CA 95113  
TEL: (408) 535-3555

PLANNING DEPARTMENT: CITY OF SAN JOSE PLANNING DIVISION  
200 E. SANTA CLARA STREET  
TOWER, 3RD FLOOR  
SAN JOSE, CA 95113  
TEL: (408) 535-3555

PUBLIC WORKS DEPARTMENT: CITY OF SAN JOSE PUBLIC WORKS DEPARTMENT  
200 EAST SANTA CLARA STREET  
TOWER 3TH FLOOR  
SAN JOSE, CA 95113  
TEL: (408) 535-8300

FIRE DISTRICT: SAN JOSE FIRE PREVENTION DEPARTMENT  
200 E. SANTA CLARA STREET  
SAN JOSE, CA 95113  
TEL: (408) 535-7692

HEALTH PERMIT: SANTA CLARA COUNTY DEPT. OF ENVIRONMENTAL HEALTH  
1555 BERGER DRIVE, BLDG. #2, 3RD FLOOR,  
SAN JOSE, CA 95112  
TEL: (408) 918-3400

ELECTRICAL SERVICE: P. G. & E.  
308 STOCKTON AVENUE  
SAN JOSE, CA 95126  
TEL: (408) 259-1053

WATER SERVICE: SAN JOSE WATER CO.  
ENGINEERING DEPT.  
1265 S. BASCOM AVENUE  
SAN JOSE, CA 95128  
TEL: (408) 279-7800 EXT. 5839

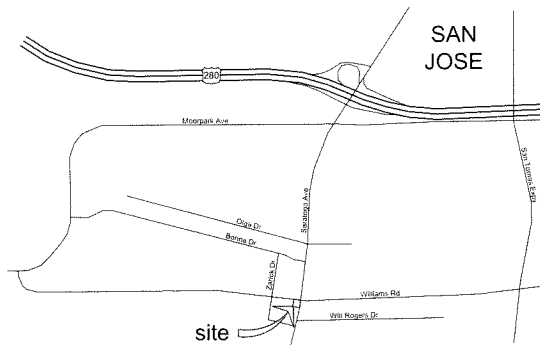
SEWER SERVICE: CITY OF SAN JOSE PUBLIC WORKS DEPT.  
200 E. SANTA CLARA STREET  
3RD FLOOR  
SAN JOSE, CA 95113  
TEL: (408) 535-6819

PROJECT DIRECTORY

APPLICANT: ROBINSON OIL  
955 MARTIN AVENUE  
SANTA CLARA, CALIFORNIA 95050  
CONTACT: DAVE MORDICK  
TEL: (408) 327-4350

ENGINEER / AGENT: LHB & ASSOCIATES  
867 PACIFIC STREET, SUITE 120  
SAN LUIS OBISPO, CALIFORNIA 93401  
CONTACT: J.R. BEARD  
TEL: (805) 540-5240  
FAX: (805) 540-5241

VICINITY MAP



SYMBOL LEGEND

DETAIL NUMBER		DETAIL REFERENCE
SHEET NUMBER		DOOR MARK - SEE DOOR SCHEDULE
		WINDOW MARK - SEE WINDOW SCHEDULE
		MECHANDISING EQUIPMENT - SEE EQUIPMENT SCHEDULE
ELEVATION NUMBER		INTERIOR ELEVATION
SHEET NUMBER		REFERENCE NOTE
SECTION NUMBER		SECTION CUT
SHEET NUMBER		ROOM IDENTIFICATION
ROOM IDENTIFICATION		ROOM IDENTIFICATION
ROOM NUMBER		ROOM IDENTIFICATION
		DATUM / CONTROL POINT / REFERENCE ELEVATION

INDEX OF DRAWINGS

T1.0	TITLE SHEET
C1.2	SITE PLAN
C2.1	STORMWATER/GRADING PLAN
C2.2	STORMWATER CONTROL PLAN
C3.1	TRUCK TURNING TEMPLATES
A1.1	FLOOR PLAN
A2.1	C-STORE EXTERIOR ELEVATIONS
A2.2	CANOPY / TRASH ENCLOSURE EXTERIOR ELEVATIONS
L1.1	LANDSCAPE PLAN
SGN1.1	SIGNAGE PLAN

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SAN JOSE, CALIFORNIA  
1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

SHEET TITLE

TITLE SHEET

SHEET NO.

T1.0

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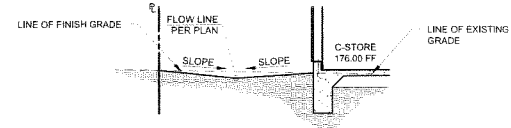
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PD14-039





- NOTES:**
1. TOPOGRAPHIC INFORMATION SHOWN PROVIDED BY SLOOTEN CONSULTING, INC. DATED DECEMBER 2011.
  2. BEST MANAGEMENT PRACTICES (BMPs) SOURCE CONTROL MEASURES:  
SC-11 SPILL PREVENTION, CONTROL AND CLEANUP;  
SC-20 VEHICLE AND EQUIPMENT FUELING;  
SC-42 BUILDING REPAIR AND CONSTRUCTION;  
SC-43 PARKING/STORAGE AREA MAINTENANCE.
  3. INSPECTION AND MAINTENANCE INFORMATION ON THE POST-CONSTRUCTION TREATMENT CONTROL MEASURES SHALL BE PROVIDED TO PUBLIC WORKS PRIOR TO BUILDING PERMIT ISSUANCE.



**SECTION 'A'**  
SCALE: 1"=10'-0"

**architecture  
engineering**

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**DRAWN BY:** JRB

**CHECKED BY:** JRB

**ROTTEN ROBBIE #2**  
**SAN JOSE, CALIFORNIA**

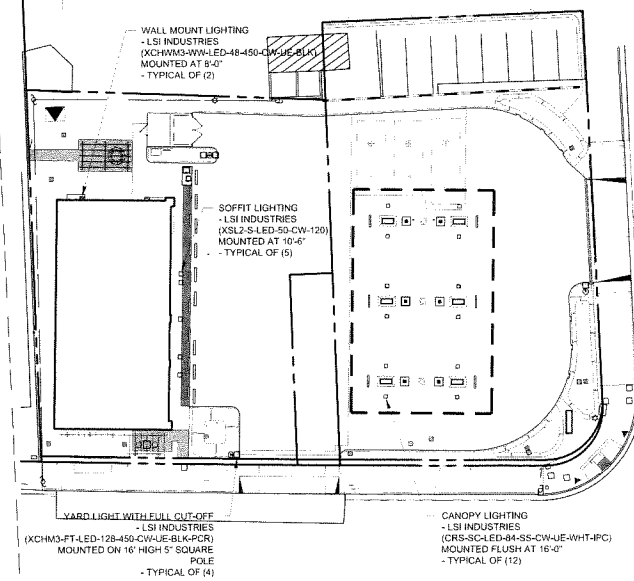
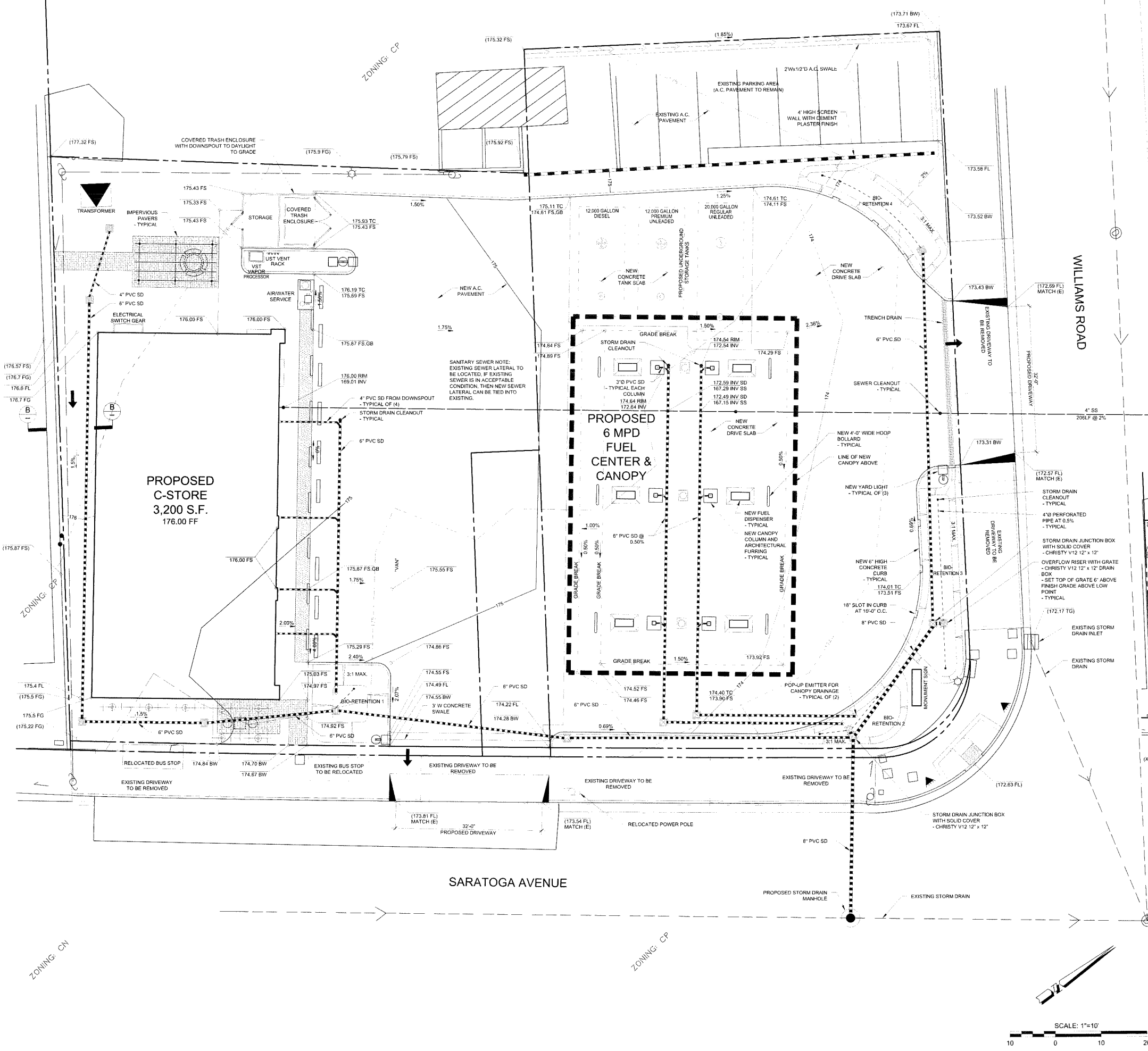
1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

**SHEET TITLE**

**STORMWATER/  
GRADING  
PLAN**

**SHEET NO.**

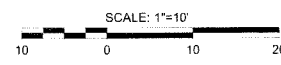
**C2.1**



**LIGHTING PLAN**  
SCALE: 1"=30'

**LEGEND**

AC	ASPHALT	PV	POST INDICATOR VALVE
APN	ASSESSOR PARCEL NUMBER	PLTR	PLANTER
BFP	BACK FLOW PREVENTOR	PM	PARKING METER
BLDG	BUILDING	PP	POWER POLE
BLS	BUILDING SETBACK LINE	PL	PROPERTY LINE
CB	CATCH BASIN	FUE	PUBLIC UTILITY EASEMENT
CL	CENTERLINE	SO. FT.	SQUARE FEET
CONC	CONCRETE	SL	STREET LIGHT
CP	CONCRETE PAD	SLB	STREET LIGHT BOX
DCV	DOUBLE CHECK VALVE	SDMH	STORM DRAIN MANHOLE
DWY	DRIVEWAY	SSCO	SANITARY SEWER CLEANOUT
EB	ELECTRICAL BOX	SSMH	SANITARY SEWER MANHOLE
EC	ELECTRICAL CABINET	TE	TRASH ENCLOSURE
EV	ELECTRICAL VAULT	TEL	TELEPHONE
FC	FACE OF CURB	TRANS	TRANSFORMER
FDC	FIRE DEPARTMENT CONNECTION	TSB	TRAFFIC SIGNAL BOX
FI	FIRE HYDRANT	VT	VAULT
GM	GAS METER	WM	WATER METER
GV	GAS VALVE	WV	WATER VALVE
MH	MANHOLE	YL	YARD LIGHT
MW	MONITORING WELL		GUY ANCHOR
NEW SD PIPE	NEW SD PIPE		
NEW SD PERF PIPE	NEW SD PERF PIPE		

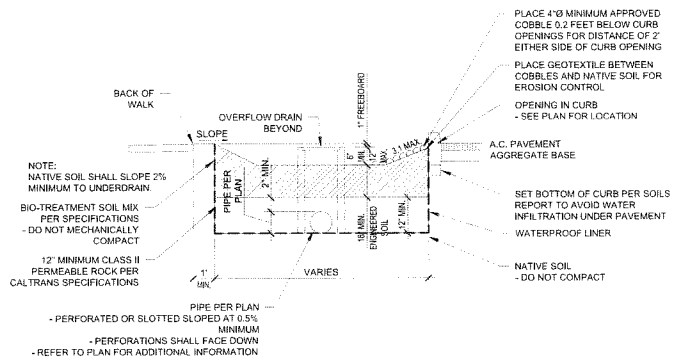


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PERVIOUS AND IMPERVIOUS SURFACES COMPARISON TABLE			
PROJECT PHASE NUMBER: (N/A: 1, 2, 3, etc.)			
TOTAL SITE (ACRES)	0.63	TOTAL AREA OF SITE DISTURBED (ACRES)	0.63
EXISTING CONDITION OF SITE AREA DISTURBED (SQUARE FEET)		PROPOSED CONDITION OF SITE AREA DISTURBED (SQUARE FEET)	
IMPERVIOUS SURFACES	REPLACED	NEW	
ROOF AREA(S)	3,656	3,656	3,462
PARKING	22,915	13,994	0
SIDEWALKS, PATIOS, PATHS, etc.	676	676	680
STREETS (PUBLIC)	0	0	0
STREETS (PRIVATE)	0	0	0
TOTAL IMPERVIOUS SURFACES:	27,247	18,326	4,142
PERVIOUS SURFACES			
LANDSCAPED AREAS	210	210	4,714
PERVIOUS PAVING	0	0	0
OTHER PERVIOUS SURFACES	0	0	0
TOTAL PERVIOUS SURFACES:	210	210	4,714
TOTAL PROPOSED REPLACED + NEW IMPERVIOUS SURFACES:			22,578
TOTAL PROPOSED REPLACED + NEW PERVIOUS SURFACES:			4,924

**SOIL TYPE:**  
IN GENERAL, THE NATIVE SOILS CONSISTED OF MEDIUM STIFF TO HARD SILTY CLAYS, CLAYEY SILTS, AND GRAVELLY SILT, AND MEDIUM DENSE TO VERY DENSE CLAYEY GRAVEL, SILTY SAND, AND GRAVELLY SAND.

**GROUNDWATER:**  
GROUNDWATER WAS NOT OBSERVED AT SITE EXPLORATION, WHEREBY, BORING DEPTHS WERE ABOUT 21.5 FEET.



## BIO-RETENTION 1, 2, 3, 4 - SECTION

SCALE: N.T.S.

- NOTES:
- "ENGINEERED SOIL" MUST MAINTAIN A MINIMUM PERCOLATION RATE OF 5" PER HOUR THROUGHOUT THE LIFE OF THE FACILITY AND MUST BE SUITABLE FOR MAINTAINING PLANT LIFE WITH A MINIMUM OF FERTILIZER USE.
  - SOIL MIX MUST BE SUBMITTED TO MUNICIPALITY FOR APPROVAL.
  - NO FILTER FABRIC SHALL BE USED. REFER TO SOILS REPORT PREPARED BY KORBMACHER ENGINEERING, INC., DATED MAY 11, 2012 FOR ADDITIONAL INFORMATION.
  - 3" MAXIMUM MULCH IF SPECIFIED IN LANDSCAPE PLANS.
  - SURFACE AREA OF THE BIO-RETENTION SOIL SHALL EQUAL 4% OF THE AREA OF THE SITE THAT DRAINS TO TREATMENT MEASURE, UNLESS SIZING CALCULATIONS ARE SUBMITTED DEMONSTRATING THAT PROVISION C.3 REQUIREMENTS ARE MET USING A SMALLER SURFACE AREA.

### TCM MAINTENANCE:

ROBINSON OIL IS RESPONSIBLE FOR TCM MAINTENANCE.

TREATMENT CONTROL SUMMARY TABLE						
AREA	TCM #	DRAINAGE AREA	IMPERVIOUS AREA	PERVIOUS AREA	BIO-RETENTION AREA REQUIRED	BIO-RETENTION AREA PROVIDED
A1	1	6,700 S.F.	4,046 S.F.	2,654 S.F.	162 S.F.	277 S.F.
A2	2	7,114 S.F.	5,907 S.F.	1,207 S.F.	236 S.F.	296 S.F.
A3	3	9,208 S.F.	8,693 S.F.	515 S.F.	348 S.F.	379 S.F.
A4	4	4,435 S.F.	3,822 S.F.	613 S.F.	153 S.F.	203 S.F.
TOTAL:		27,457 S.F.	22,468 S.F.	4,989 S.F.	899 S.F.	1,155 S.F.

### POST CONSTRUCTION STORM WATER MANAGEMENT NOTES:

- POST-CONSTRUCTION CONTINUOUS SITE MAINTENANCE IS REQUIRED TO REDUCE THE AMOUNT OF POLLUTANTS THAT REACH THE BIO-RETENTION AREAS.
- DRY SWEEP THE FUELING AREA ROUTINELY. ALSO, SWEEP OR VACUUM THE PARKING LOT AT LEAST ONCE EVERY MONTH.
- PREPARE A SPILL CLEAN UP PLAN IN CONFORMANCE WITH THE CITY'S REQUIREMENTS. REMOVE OIL AND OTHER SPILLS USING ABSORBENT MATERIAL AS SOON AS SUCH SPILLAGE OCCURS AND DISPOSE OF APPROPRIATELY.
- LIMIT USE OF FERTILIZERS IN LANDSCAPED AREA TO THE ABSOLUTE MINIMUM.
- KEEP TRASH ENCLOSURES COVERED AT ALL TIMES.
- MAINTAIN LANDSCAPED AREA REGULARLY. CHECK FOR WATER PONING AND ADJUST GRADING AS NEEDED TO MAKE THE RUNOFF FLOW TO BIO-RETENTION AREAS.
- STENCIL ALL ON-SITE STORM DRAIN INLETS IN CONFORMANCE WITH THE CITY'S REQUIREMENTS.

SARATOGA AVENUE

SCALE: 1"=10'

10 0 10 20

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09-30-02

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JRB

### CHECKED BY:

JRB

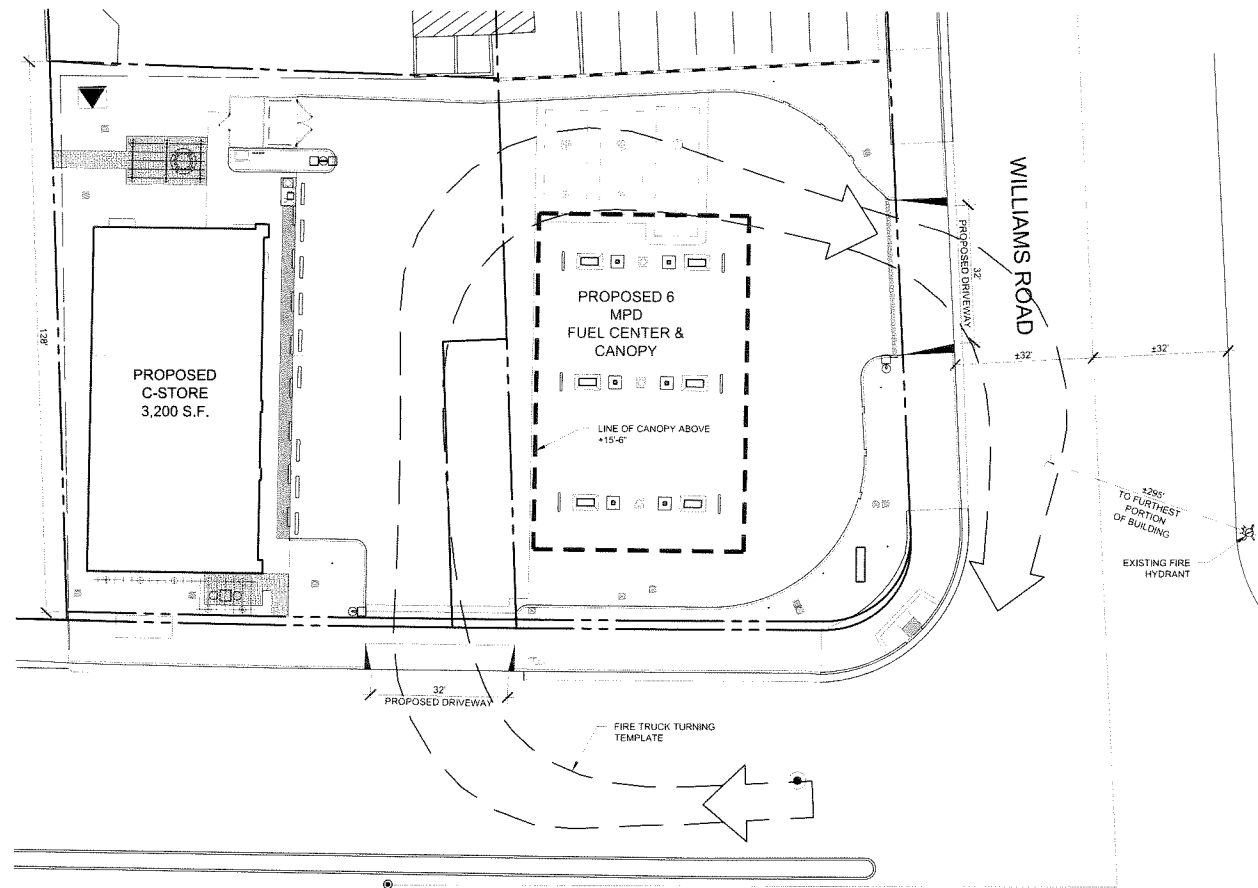
ROTTEN ROBBIE #2  
SAN JOSE, CALIFORNIA  
1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

### SHEET TITLE

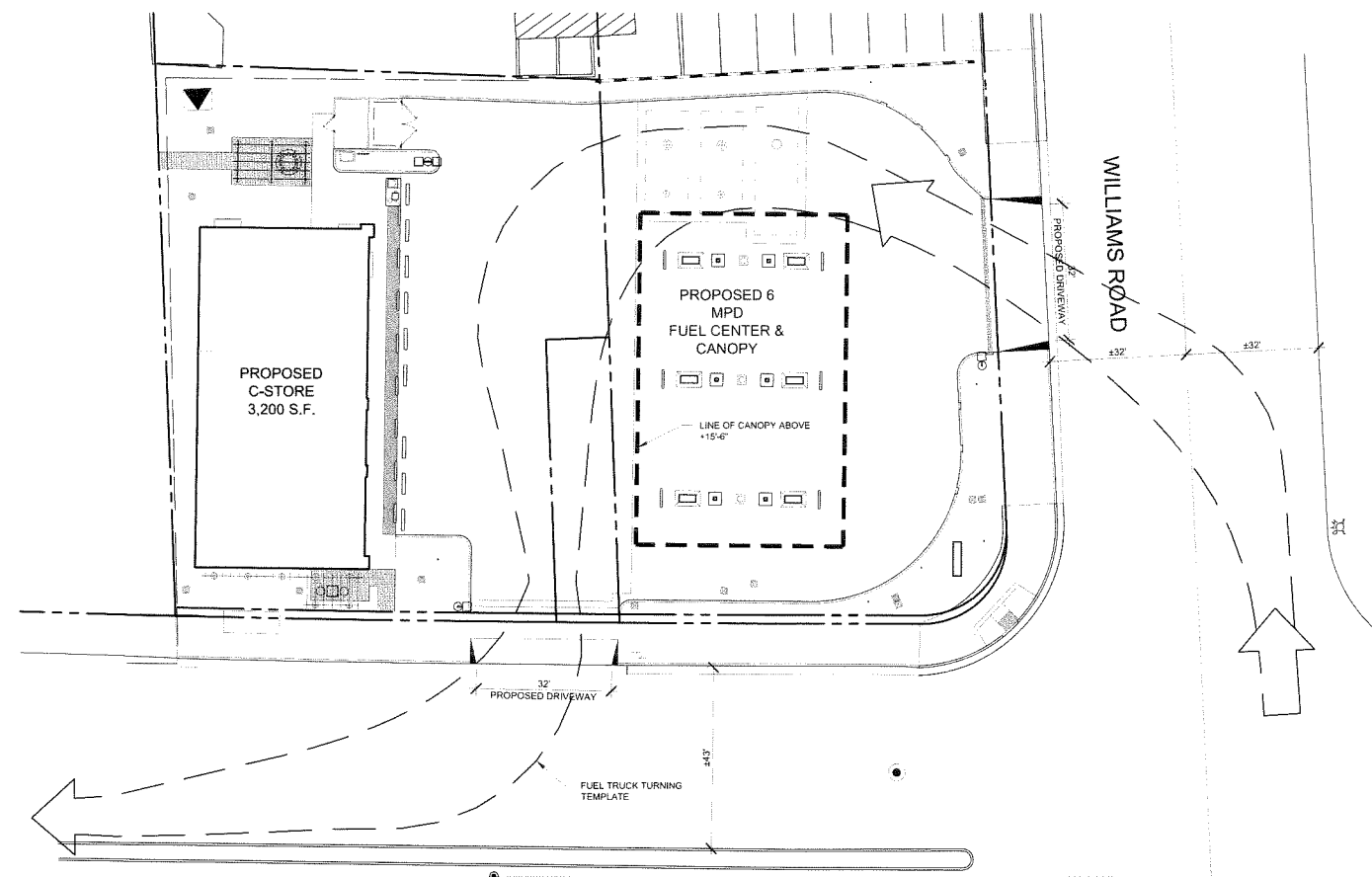
STORMWATER  
CONTROL  
PLAN

### SHEET NO.

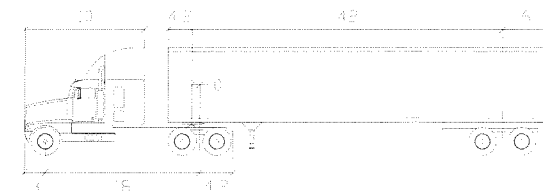
C2.2



FIRE TRUCK TURNING TEMPLATE



FUEL TRUCK TURNING TEMPLATE



#2 62 (Ft.)  
 Tractor width 3'-0"  
 Trailer width 3'-0"  
 Tractor track 4'-0"  
 Trailer track 4'-0"  
 Steering Angle 16°  
 Tractor/Trailer Angle 60.38°

PD14-039

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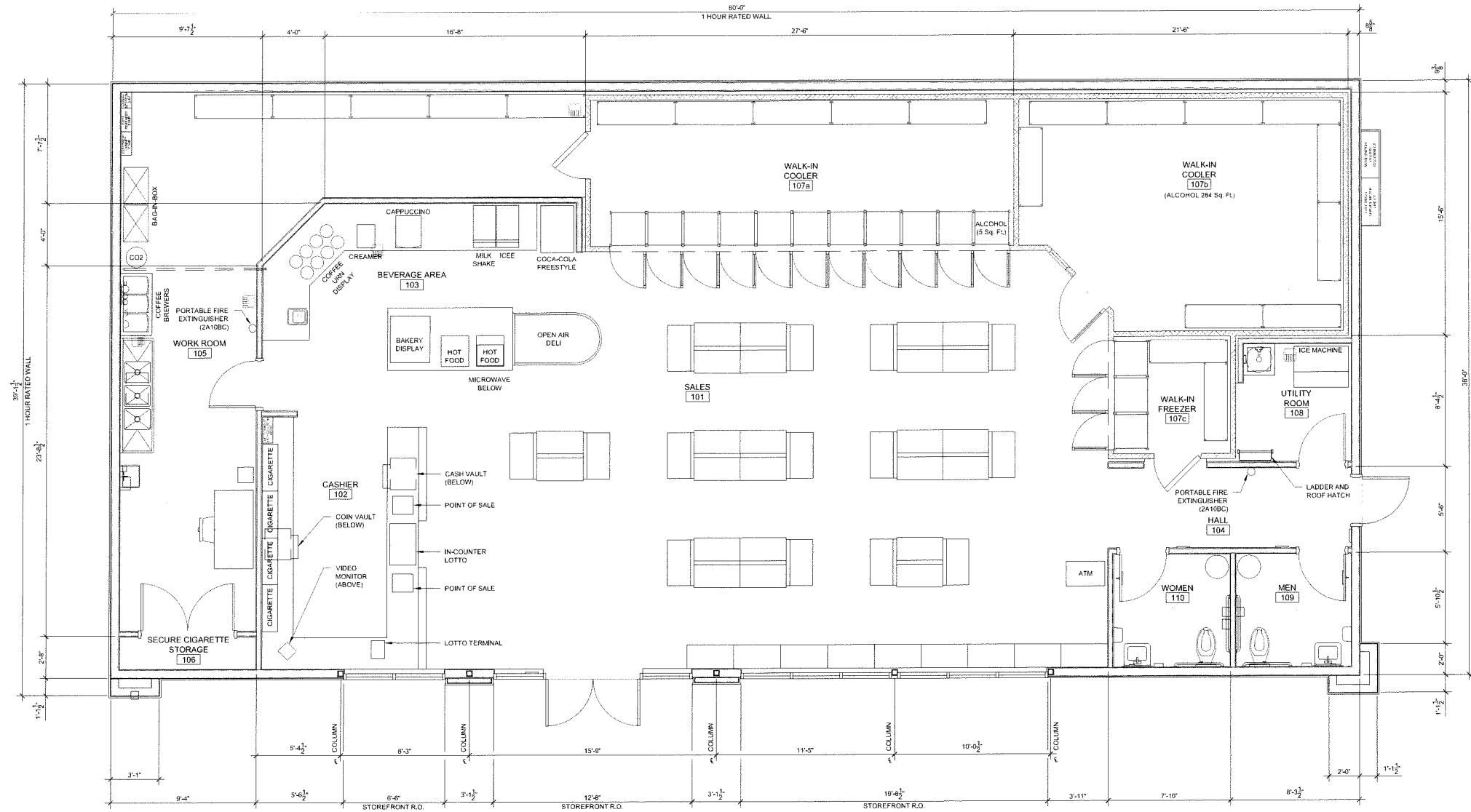
ROTTEN ROBBIE #2  
 SAN JOSE, CALIFORNIA  
 1005 SARATOGA AVENUE  
 SAN JOSE, CALIFORNIA 95129

SHEET TITLE

TRUCK  
TURNING  
TEMPLATES

SHEET NO.

C3.1



BUILDING AREA: 3,200 SQ. FT.  
**FLOOR PLAN**  
SCALE: 1/4"=1'-0"

architecture  
engineering

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1005 SARATOGA AVENUE  
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SHEET TITLE

FLOOR PLAN

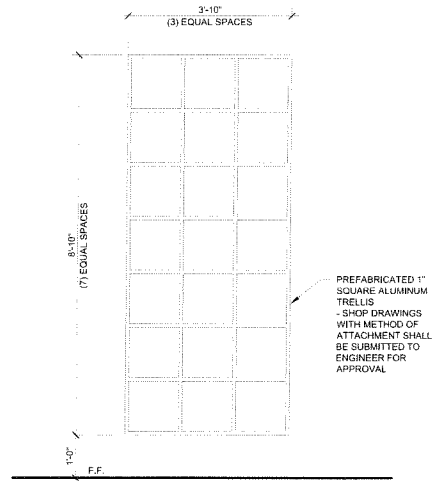
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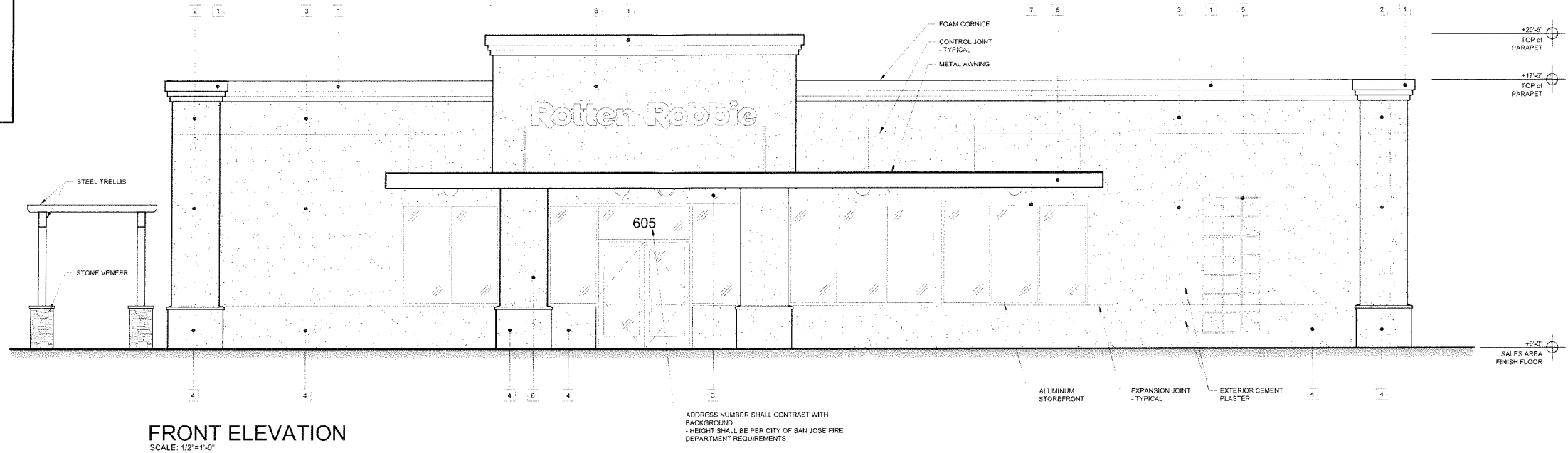
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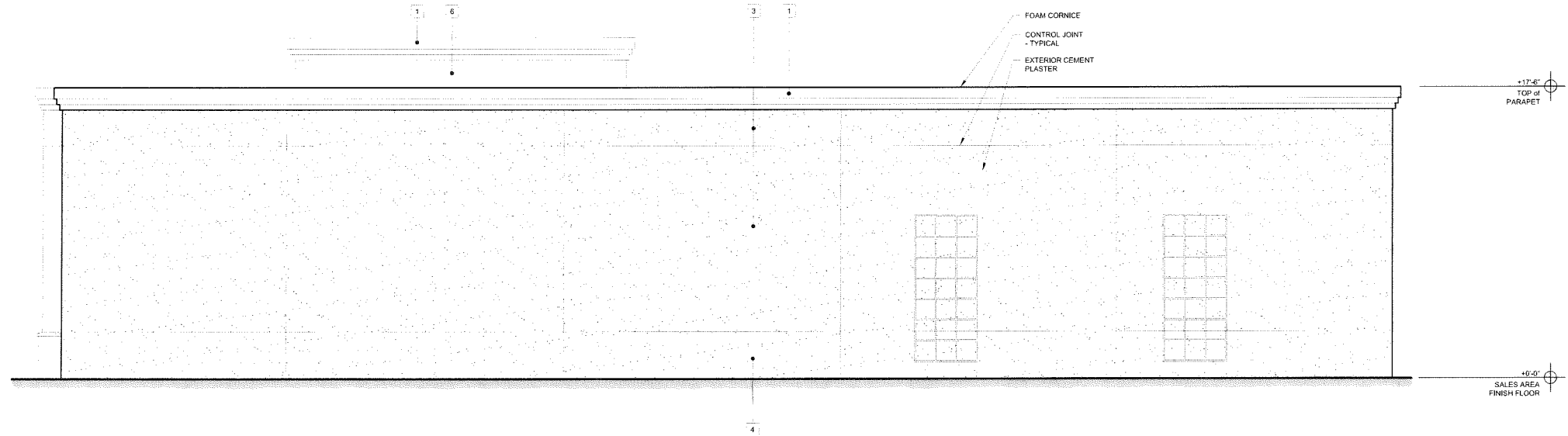
COLOR SCHEME		No.
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2	SHERWIN WILLIAMS "PRICKLY PEAR" - SW2218.	
3	SHERWIN WILLIAMS "BUFF" - SW2340.	
4	SHERWIN WILLIAMS "OUTRIGGER" - SW2202.	
5	ICI "COLORADO RUST" - 267.	
6	SHERWIN WILLIAMS "MUSTARD FIELD" - SW2341.	
7	ALUMINUM STOREFRONT - BRONZE ANODIZED ALUMINUM	



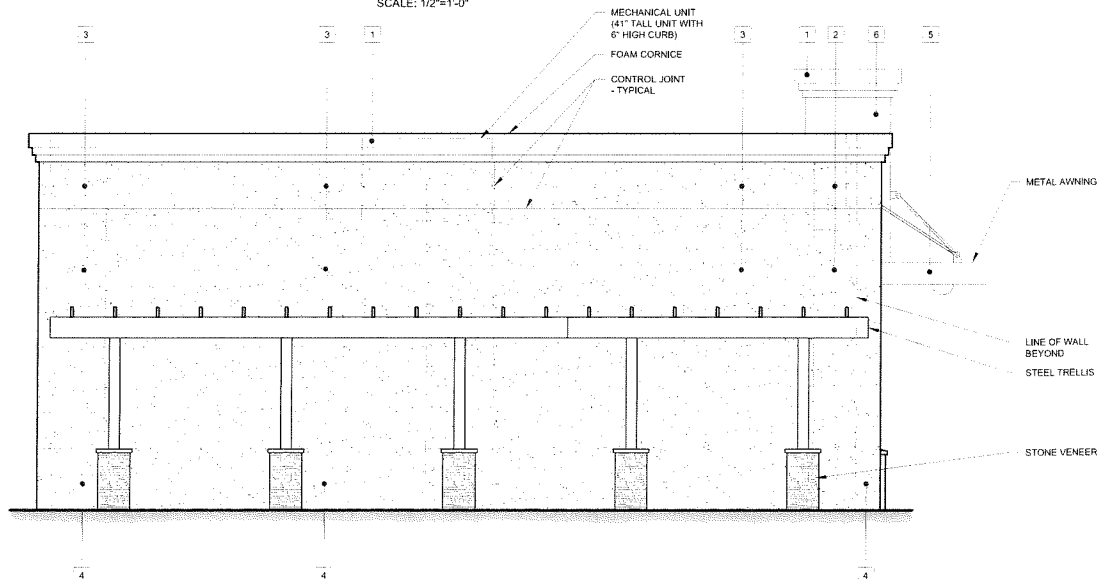
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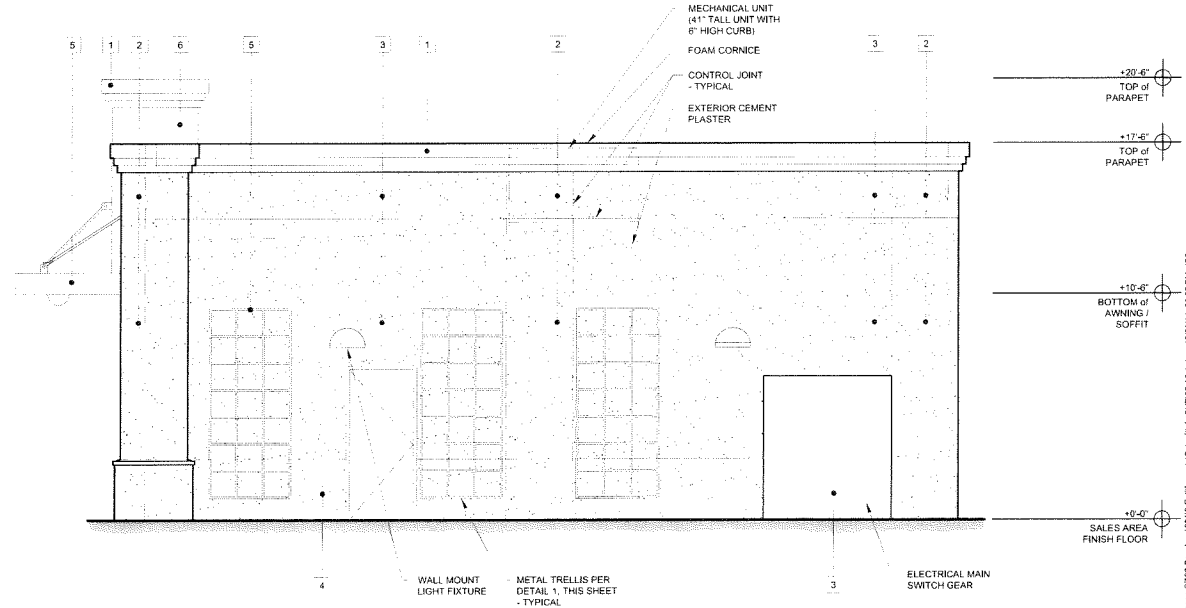
FRONT ELEVATION  
SCALE: 1/2"=1'-0"



REAR ELEVATION  
SCALE: 1/2"=1'-0"



LEFT ELEVATION  
SCALE: 1/2"=1'-0"



RIGHT ELEVATION  
SCALE: 1/2"=1'-0"



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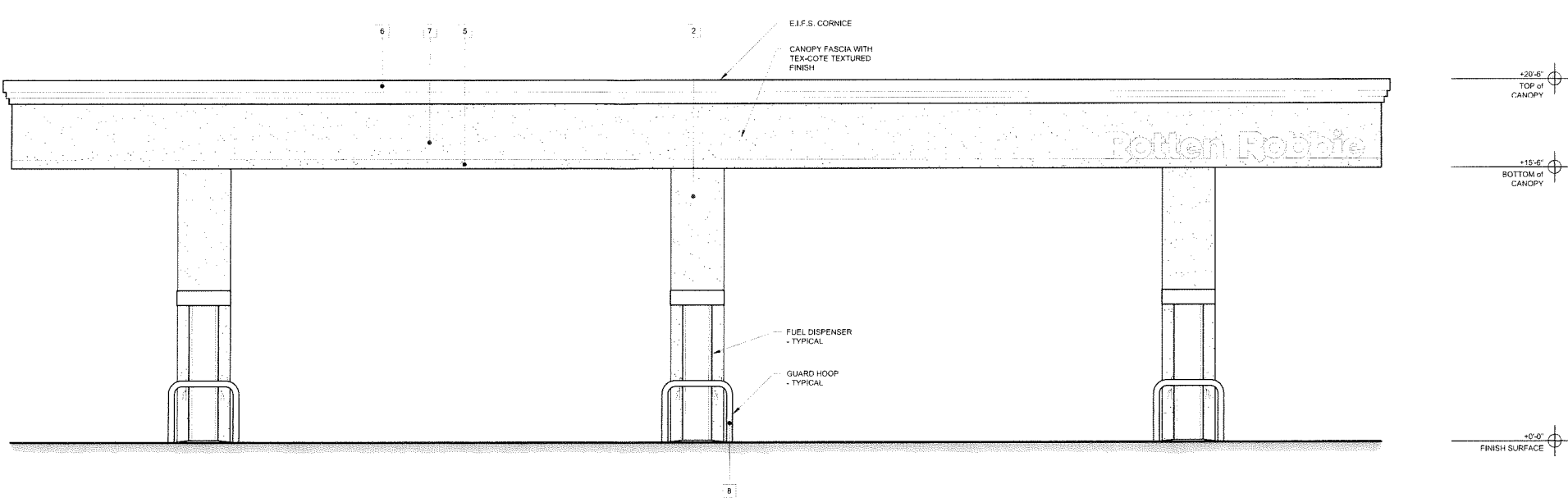
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BUILDING  
EXTERIOR  
ELEVATIONS

SHEET NO.  
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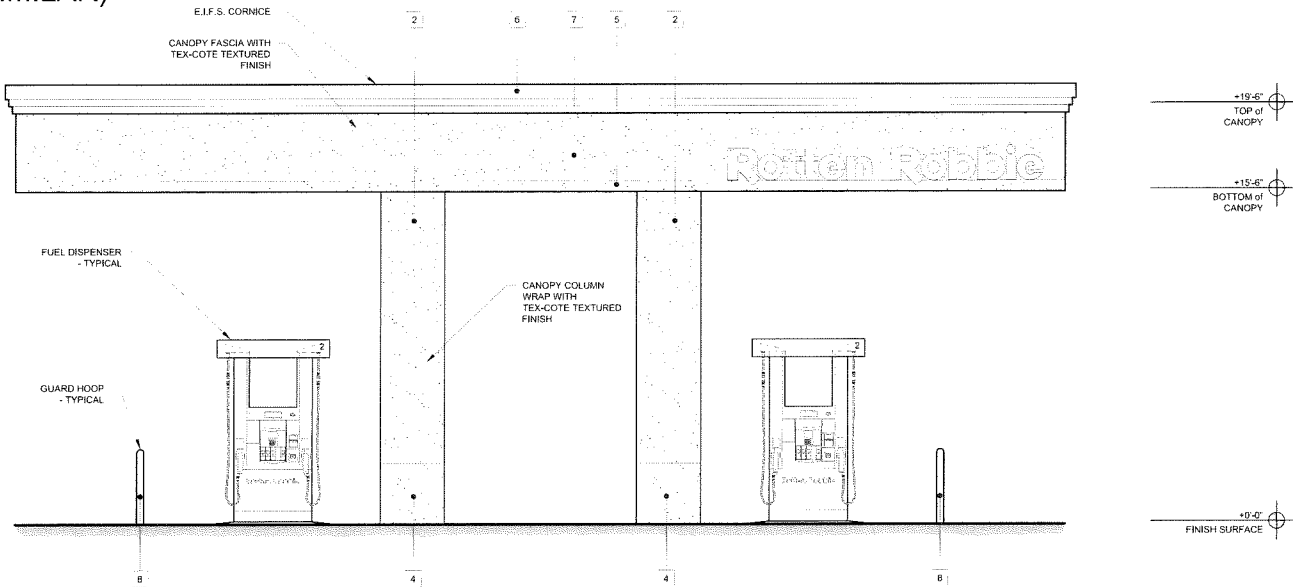
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PD14-039

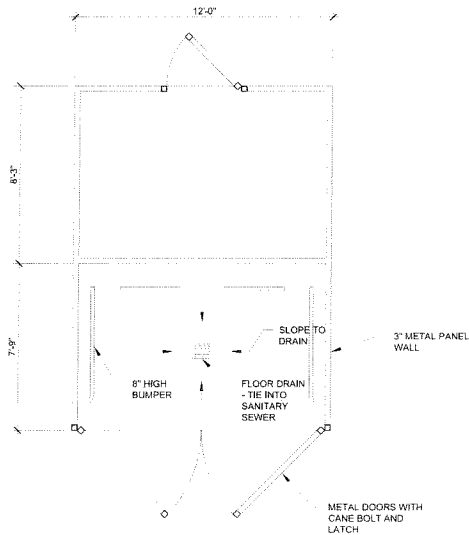
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5	ICI "COLORADO RUST" - 267.	
6	SHERWIN WILLIAMS "MUSTARD FIELD" - SW2341.	
7	METAL CANOPY FASCIA "DARK BLUE"	
8	GUARD HOOP "WHITE"	



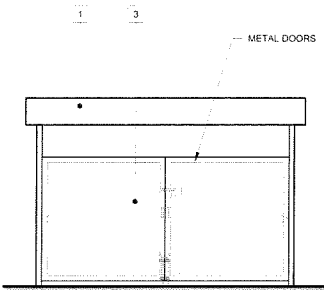
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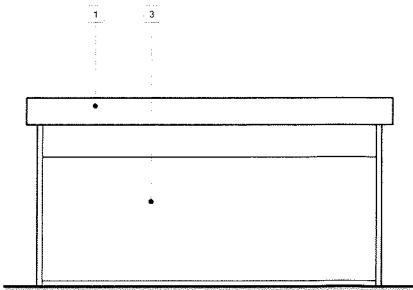
RIGHT ELEVATION (LEFT ELEVATION SIMILAR)  
SCALE: 1/4"=1'-0"



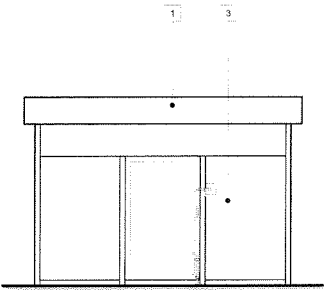
TRASH ENCLOSURE PLAN  
SCALE: 1/4"=1'-0"



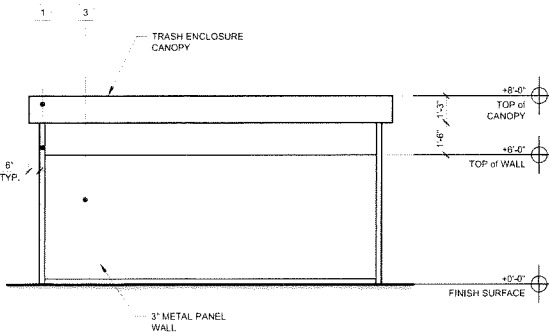
FRONT ELEVATION  
SCALE: 1/4"=1'-0"



RIGHT ELEVATION  
SCALE: 1/4"=1'-0"



REAR ELEVATION  
SCALE: 1/4"=1'-0"



LEFT ELEVATION  
SCALE: 1/4"=1'-0"

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architecture  
engineering

**LHB & Associates, Ltd.**

867 Pacific Street, Suite 120  
San Luis Obispo, CA 93401  
ph 805.540.5240  
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www.lhbassoc.com

CONSULTANT

REVISIONS	
1	PLANNING REVISIONS 23 OCTOBER 2014
2	PLANNING REVISIONS 2 DECEMBER 2014
3	

SUBMITTAL DATES	
OWNER:	12/9/2014
REG. AGENCIES	12/9/2014
O.T.B.:	-
PROJECT NO.	09-30-02
DRAWN BY:	JRB
CHECKED BY:	JRB

**ROTTEN ROBBIE #2**

**SAN JOSE, CALIFORNIA**

1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

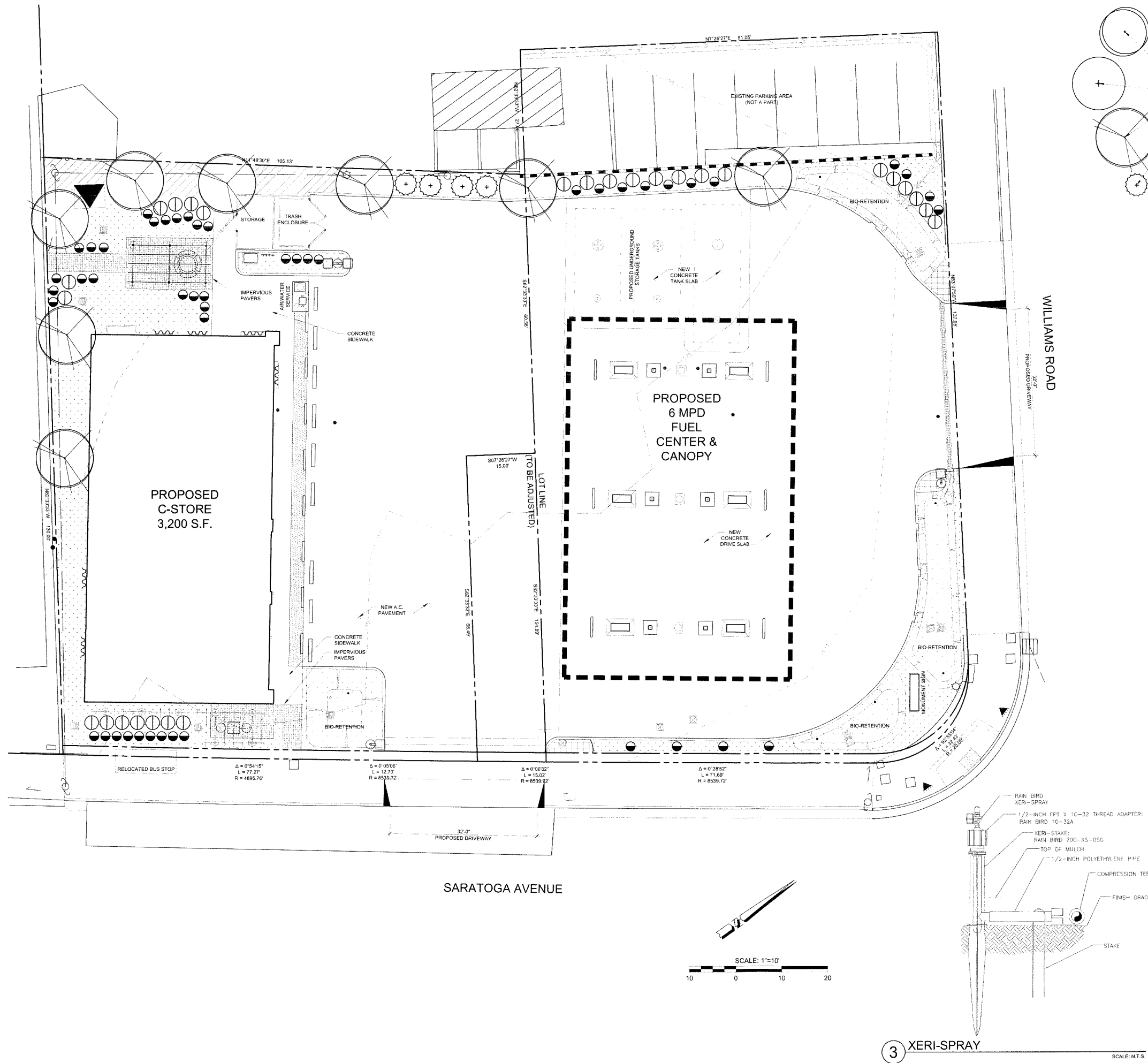
SHEET TITLE

**CANOPY /  
TRASH  
ENCLOSURE  
EXTERIOR  
ELEVATIONS**

SHEET NO.

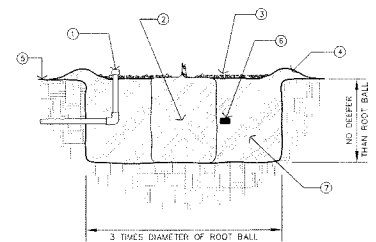
**A2.2**





LEGEND					
SYMBOL	SIZE	QTY.	MATURE HEIGHT	BOTANICAL NAME	COMMON NAME
TREES					
15 GAL.	5	-	-	STREET TREE IN TREE WELL SPECIES AND FINAL LOCATION PER CITY ARBORIST AND PUBLIC WORKS DEPARTMENT.	
15 GAL.	-	20'	-	RAPIHOLEPS "MAJESTIC BEAUTY"	MAJESTIC BEAUTY RHAPHIOLEPS
15 GAL.	8	45'	-	LOPHOSTEMON CONFERTUS	BRISBANE BOX
SHRUBS					
5 GAL.	4	8'	-	PHOTINIA FRASERI "STANDARD"	STANDARD PHOTINIA
5 GAL.	4	4'	-	CISTUS X PURPUREUS	ORCHID ROCKROSE
5 GAL.	27	3'	-	ABELIA X "CONFETTI"	DWARF ABELIA
5 GAL.	48	18"	-	BERBERIS THUNDERBOLT "CRIMSON PYGMY"	DWARF BARBERRY
VINES					
5 GAL.	-	-	-	TECOMARIA CAPENSIS	CAPE HONEYSUCKLE
GROUNDCOVER					
SCD	-	-	-	TURF-FESTUCA ARUNDINACEA "ALTA"	TALL FESCUE
1 GAL.	18" O.C.	-	18"	AGAPANTHUS "PETER PAN"	DWARF BLUE AGAPANTHUS
1 GAL.	4" O.C.	-	18"	PITTOSPORIUM TOBIRA "CREME DE MENTHE"	DWARF VARIATED TOBIRA
FLATS 8-12" O.C.	-	-	12"-18"	ANNUALS PER SEASONAL SCHEDULE	
1 GAL.	24" O.C.	-	18"	LANTANA MONTEVIDENSIS	TRAILING LANTANA
1 GAL.	36" O.C.	-	-	JUNCUS PATENS	COMMON RUSH
SITE FEATURES					
-	-	-	-	REDWOOD HEADER BOARD	
-	-	-	-	PEA GRAVEL: 1/4"-1/2" DIAMETER, 3" DEEP, SET IN PLANTER OVER MIRAFI FW700 (PERMEABLE) LANDSCAPE FABRIC	

- IRRIGATION NOTES:
- ALL IRRIGATION LATERALS SHALL BE SCHEDULE 40 PVC WITH 18" MINIMUM COVER.
  - DRIP DISTRIBUTION TUBING INSTALLATION: THE TUBING WILL BE SNAKED IN THE TRENCH IN UNDERGROUND SYSTEMS AND ABOUT THE LANDSCAPE IN ABOVE GROUND INSTALLATIONS TO ALLOW FOR THE EXPANSION AND CONTRACTION VARIATIONS (ADD 3% TO TUBING LENGTH REQUIRED AS A GENERAL RULE).
  - BACKFLOW PREVENTION DEVICE SHALL BE INSTALLED PER LOCAL CODES AND APPROVED BY CITY OF SAN JOSE.

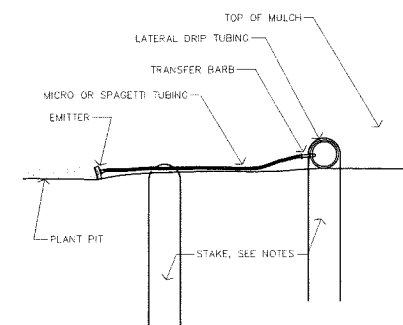


## CALL-OUT NOTES

1. DRAINER OR DRIP EMITTER LOCATION-HOSE WATERING BASIN
2. ROOT BALL
3. 1" LAYER OF MULCH TO BE APPLIED TO ALL SHRUBS AND TREES ON TYPE OF MULCH TO APPLY - KEEP A 3" CLEARANCE AROUND TRUNKS OF ALL SHRUBS AND TREES
4. CONSTRUCT TAMPED EARTH MOUND FOR WATERING BASIN. LOCATE AT OUTSIDE EDGE OF PLANT PIT. 2" HIGH FOR 1 & 5 GALLON PLANTS, 4" HIGH FOR 15 GALS. & LARGER PLANTS. GAT IN LANS
5. 1" HIGH GRADE
6. 4" HIGH DIRT 30-10-5 PLANTING TABLETS. PLACE TABLETS HALF WAY UP & 1" AWAY FROM ROOT BALL. USE 1 TAB FOR 1 GAL., 2 TABS FOR 5 GALS., 3 TABS FOR 15 GALS. AND FOR LARGER PLANTS, USE 1 TAB FOR EACH 1/2" OF TRUNK DIAMETER. PLACE TABS EQUALLY SPACED AROUND ROOT BALL
7. PLANT PIT BACKFILL USE 100% AMENDMENTS UNLESS STATED DIFFERENTLY IN PLANTING NOTES. BACKFILL SHALL BE NATIVE SITE SOIL BROKEN UP FINELY AND HOSE (1" OR LARGER) AND OTHER DOLETTIOUS REMOVED. REMOVE ALL CLAY SLICKS FROM WALL OF PLANT PIT AND SCARIFY SIDE AND BOTTOM. WATER SETTLE PLANT PIT ONCE BACK-FILLING IS COMPLETE.

## 1 PLANT PIT IRRIGATION

SCALE: N.T.S.



## NOTES

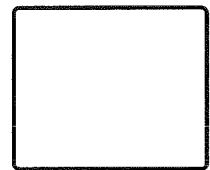
1. STAKING - LATERAL DRIP TUBING WILL BE STAKED AT 6' O.C. AND 3' FROM (SUB) MICRO (SPAGETTI) TUBING WILL BE STAKED AT 3' O.C. STAKES WILL BE GALV. METAL AND MANUFACTURED BY SALCO, PEPCO, OR EQUAL
2. EMITTERS UP SLOPE FROM LATERAL DRIP TUBING WILL BE STAKED ON THE UP SLOPE SIDE OF PLANT PIT.

## 3 XERI-SPRAY

SCALE: N.T.S.

## 2 DRIP EMITTER

SCALE: N.T.S.



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CONSULTANT

## REVISIONS

- |   |                                       |
|---|---------------------------------------|
| 1 | PLANNING REVISIONS<br>23 OCTOBER 2014 |
| 2 | PLANNING REVISIONS<br>2 DECEMBER 2014 |

## SUBMITTAL DATES

OWNER: 12/9/2014  
REG. AGENCIES 12/9/2014  
O.T.B.: -

PROJECT NO. 09-30-02

DRAWN BY: JRB

CHECKED BY: JRB

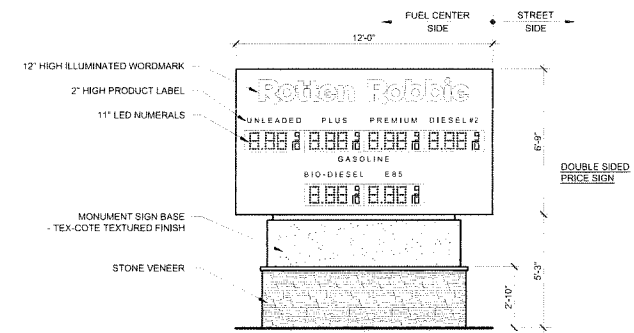
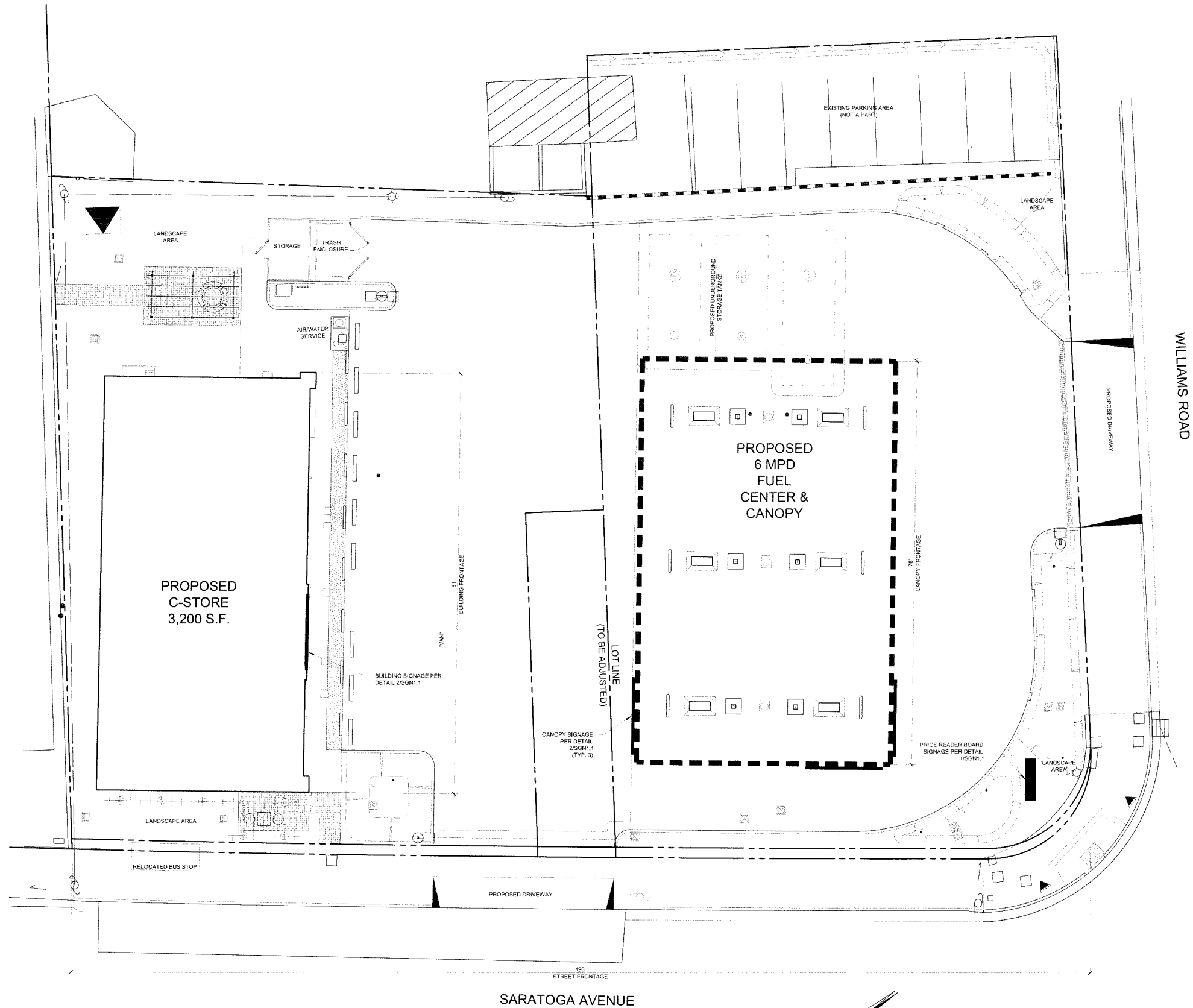
ROTTEN ROBBIE #2  
SAN JOSE, CALIFORNIA  
1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

## SHEET TITLE

LANDSCAPE PLAN

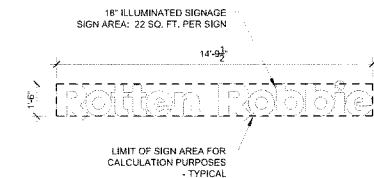
## SHEET NO.

L1.1



TOTAL SQUARE FEET  
LOGO'S : 10 sq. ft.  
PRICES : 21 sq. ft.  
SIGN FACE : 81 sq. ft.

1 PRICE SIGN READER BOARD  
SCALE: 1/4"=1'-0"



2 WORDMARK - 18" HIGH  
SCALE: 1/4"=1'-0"

TOTAL SIGNAGE SQUARE FEET

STREET FRONTAGE (SOUTH WHITE ROAD): 196 FEET	
1st OCCUPANCY FRONTAGE (BUILDING): 81 FEET	
2nd OCCUPANCY FRONTAGE (CANOPY): 78 FEET	
SIGN LOCATION	TOTAL
FREE-STANDING MONUMENT SIGN LOGO / TEXT PRICING	10 sq. ft. 21 sq. ft.
ATTACHED CANOPY TEXT/LOGO (THREE (3) AT 22 sq. ft.)	66 sq. ft.
ATTACHED BUILDING TEXT/LOGO	22 sq. ft.
TOTAL SIGNAGE:	119 sq. ft.

PD14-039

architecture  
engineering  
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REVISIONS

1 PLANNING REVISIONS  
23 OCTOBER 2014

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O.T.B.: -

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DRAWN BY: JRB

CHECKED BY: JRB

ROTTEN ROBBIE #2  
SAN JOSE, CALIFORNIA

1005 SARATOGA AVENUE  
SAN JOSE, CALIFORNIA 95129

SHEET TITLE

SIGNAGE  
PLAN

SHEET NO.

SGN1.1

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# Memorandum

**TO:** John Tu  
Planning Department

**FROM:** Ofc. Mike Epp #3048  
San Jose Police Vice Unit

**SUBJECT:** Rotten Robbie Gas Station  
PD14-039

**DATE:** December 5, 2014

---

Approved

Date

---

I have received your request for input regarding the Rotten Robbie Gas Station, located at 1005 Saratoga Ave, San Jose, Ca. This is an existing gas station. Rotten Robbie is seeking a Planned Development Permit to allow for a new convenience store with off-sale of beer and wine.

Per Business and Professions (B&P) Code Section 23958, the State of California Department of Alcohol Beverage Control shall deny an ABC Application for an ABC License if the issuance of that license would tend to create a law enforcement problem or if it would result in or add to an undue concentration of ABC Licenses, as described in B&P Sections 23958.4 (a)(1) and 23958.4(a)(3). A location can be unduly concentrated because of its criminal statistics and/or it's proximity to other ABC Licenses. ABC can issue the license per B&P Sections 23958.4 (b)(1), and 23958.4 (b)(2) if the local governing body determines that the public convenience or necessity would be served. The City of San Jose Planning Department or the Planning Commission are the delegated authorities to grant these exceptions.

The location is not currently in a Strong Neighborhood Initiative area.

1005 Saratoga Ave is located in San Jose Police Beat N3. The reported crime statistics as defined by B&P Section 23958.4(c) **are not** over the 20% crime index thus the location **is not** considered unduly concentrated per B&P Section 23958.4 (a)(1).

### Police Beat Crime Statistics

Beat	Index Crimes	Arrests	Total	20% Above Average
N3 (2013)	346	93	439	No
City Average	333	171	504	

Department of Alcohol Beverage Control (ABC) records indicate that 1005 Saratoga Ave is in census tract 5062.02 Pursuant to B&P Section 23958.4 (a)(3), the ratio of off-sale retail licenses population in census tract 5062.02 **does** exceed the ratio of off-sale retail licenses to population in the county in which the applicant premises are located.

**Authorized and Current ABC Licenses in Census Tract 5062.02**

Census Tract	Authorized ABC Licenses as of 2013		Current ABC Licenses as of December 2014		Unduly Concentrated	
	On - Sale	Off - Sale	On - Sale	Off – Sale	On - Sale	Off – Sale
5062.02	8	3	12	7	Yes	Yes

The San Jose Police Department is **neutral** to the issuance of a Planned Development Permit with the following conditions:

- Alcoholic beverage sales will cease at midnight daily.
- No sales of single cans of beer. Beer must be sold in a 6 pack minimum.
- No sales of malt liquor.

Please feel free to contact me at 277-4322 if you have any questions.

Ofc. Mike Epp #3048  
Administrative Officer  
Special Investigations/Vice

# Opposed off-sale of alcohol (File No.PD14-039 ,NO.ABC14-008)

xuxun <xxz108@hotmail.com>

Thu 1/15/2015 12:52 PM

Inbox

To: Tu, John <john.tu@sanjoseca.gov>;

John,

This is Beacon Chinese After School in 4250 Williams Road right behind the Rotten Robbie Gas Station in 1005 Saratoga Ave.

**We are strongly opposed the off-sale of alcohol in our neighborhood.**

Selling alcohol increasing the danger in our neighborhood especially around a school.  
We used to have some drank people broken our windows a few times. We need to make sure our kids in a safe environment without the drank people around.  
I believe it is all the neighbor's wishes.

**For the safety demand, please require Rotten Robbie build a person high fence out with us.**

Thank you for your consideration in advance!

Benjamin Chiu  
Owner of 4250 Williams Rd, San Jose  
xxz108@hotmail.com  
408-839-1136

## Fw: Rotten Robbie remodel at Williams/Saratoga

Ankola, Aparna

Wed 12/17/2014 2:39 PM

Inbox

To: Tu, John <john.tu@sanjoseca.gov>;

Please see below email.

Thanks!

Aparna Ankola  
Planner II  
Planning, Building and Code Enforcement  
City of San Jose  
200 E. Santa Clara Street, San Jose, CA 95113  
Phone: (408) 535-7845 Fax: (408) 292-6055  
Email: [aparna.ankola@sanjoseca.gov](mailto:aparna.ankola@sanjoseca.gov)  
Web: <http://www.sanjoseca.gov/planning/>

---

From: Terry Awtrey <tjatulip@aol.com>  
Sent: Wednesday, December 17, 2014 2:31 PM  
To: Ankola, Aparna  
Subject: Rotten Robbie remodel at Williams/Saratoga

I am very much in favor of the changes that Rotten Robbie has proposed for their site at Saratoga Ave and Williams Rd. in San Jose.

Teresa J. Awtrey  
1322 Burkette Dr  
San Jose, Ca 95129

## Fw: Rotten Robbie saratoga and Williams

Ankola, Aparna

Wed 1/14/2015 9:59 AM

Inbox

To: Tu, John <john.tu@sanjoseca.gov>;

John,

I just saw this email. Please see below for your reference.

Thanks!

Aparna Ankola  
Planner II  
Planning, Building and Code Enforcement  
City of San Jose  
200 E. Santa Clara Street, San Jose, CA 95113  
Phone: (408) 535-7845 Fax: (408) 292-6055  
Email: [aparna.ankola@sanjoseca.gov](mailto:aparna.ankola@sanjoseca.gov)  
Web: <http://www.sanjoseca.gov/planning/>

---

From: Varich (Main Office), Robert <rvarich@allstate.com>  
Sent: Monday, December 22, 2014 7:00 PM  
To: Ankola, Aparna  
Cc: Ferguson, Jerad  
Subject: RE: Rotten Robbie saratoga and Williams

Jerad-

Sent this email to Aparna and got an out of office reply, out until 1/14/15.

Would love to reach out to applicant before 1/14 and certainly before planning comm hearing on 1/14/15 at 6:30pm.

Anything you have on applicant would be great.

Thanks

Robert Varich  
408-257-1234

I will be out of the office from Tuesday, December 23, 2014, and will immediately respond to your emails/ calls upon my return on Wednesday, January 14, 2015.  
If you have any project related questions, please contact Senior Planner, Susan Walsh ([susan.walsh@sanjoseca.gov](mailto:susan.walsh@sanjoseca.gov)).



Thank you!

Aparna Ankola  
Planner II  
Planning, Building and Code Enforcement I City of San Jose  
200 E. Santa Clara Street, San Jose, CA 95113  
Phone: (408) 535-7845 I Email: [aparna.ankola@sanjoseca.gov](mailto:aparna.ankola@sanjoseca.gov)  
Web: <http://www.sanjoseca.gov/planning/>  
Is it possible to get contact info for applicant?

As a business owner within 1000 feet and a residence owner within 2000 feet I am excited this parcel is going to be cleaned up. It is in need of a face lift.

Robert Varich  
408-257-1234

Robert Varich, LUTCF  
Exclusive Agent/Personal Financial Representative  
Allstate  
1125 Saratoga Ave  
San Jose Ca 95129  
Phone: 408-257-1234  
Fax: 408-257-0851